

IN THE SENATE

SENATE BILL NO. 1315

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO REGIONAL AIRPORT AUTHORITIES; AMENDING SECTION 21-802, IDAHO
2 CODE, TO REVISE THE DIVISION OF THE STATE INTO SIX REGIONAL AIRPORT
3 AUTHORITY REGIONS; AMENDING SECTION 21-805, IDAHO CODE, TO REVISE PRO-
4 VISIONS REGARDING THE ESTABLISHMENT OF A REGIONAL AIRPORT AUTHORITY;
5 AND AMENDING SECTION 21-814, IDAHO CODE, TO REVISE PROVISIONS REGARDING
6 THE DISSOLUTION OF A REGIONAL AIRPORT AUTHORITY.
7

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

9 SECTION 1. That Section 21-802, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 21-802. DIVISION INTO REGIONS. For the purpose of this act, the state
12 of Idaho is divided into ~~five (5)~~ six (6) air regions, consisting of the
13 following counties, ~~to-wit:~~ the northern region shall consist of Benewah,
14 Bonner, Boundary, Kootenai and Shoshone counties; the north central region
15 shall consist of Clearwater, Idaho, Latah, Lewis and Nez Perce counties; the
16 southwestern region shall consist of Ada, Adams, Boise, Canyon, Elmore, Gem,
17 Owyhee, Payette, Valley and Washington counties; the south central region
18 shall consist of Blaine, Camas, ~~Cassia~~, Gooding, Jerome, Lincoln, ~~Minidoka~~
19 and Twin Falls counties; the southern region shall consist of Cassia and
20 Minidoka counties; and the eastern region shall consist of Bannock, Bear
21 Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fre-
22 mont, Jefferson, Lemhi, Madison, Oneida, Power and Teton counties.

23 SECTION 2. That Section 21-805, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 21-805. REGIONAL AIRPORT AUTHORITY -- ESTABLISHMENT BY ELECTION. A
26 regional airport authority may be established by the vote of the electors of
27 such region, voting at an election called and held as provided in chapter 14,
28 title 34, Idaho Code, with special provisions as provided in this chapter:

29 (a) A petition signed by not less than five percent (5%) of the electors
30 from each county in the region, describing the degree of percentage of finan-
31 cial participation of each such county in the district and the proposed loca-
32 tion of the regional airport, and praying for the organization of the region
33 as a regional airport authority, together with a true copy thereof, shall be
34 filed with the Idaho transportation department. Prior to filing such peti-
35 tion, each clerk of the board of county commissioners of the counties in the
36 region shall verify the validity of the signatures within the county.

37 (b) Upon approval of the petition, the Idaho transportation department
38 shall advise the boards of county commissioners of the counties in the region
39 of the date of the election, which shall occur in May of even-numbered years,
40 and each such board shall enter an order that an election be held for the

1 purpose of voting on the question of the creation of such regional airport
 2 authority. Notice of election shall be published, the election shall be con-
 3 ducted and the returns thereof canvassed as required in title 34, Idaho Code.
 4 Provided, however, as a condition of voting in such election, an elector
 5 shall meet the qualifications prescribed in section 34-402, Idaho Code, and
 6 in addition shall be a resident of the proposed regional airport authority.
 7 The ballot shall contain the words "Regional Airport Authority--Yes" and
 8 "Regional Airport Authority--No," each followed by a box in which the voter
 9 may express his choice by marking the ballot. The county clerk of each county
 10 shall conduct such election and the county board of canvassers shall canvass
 11 the returns thereof as though it were the only county in which such election
 12 were being held. The returns of the election so canvassed shall be certified
 13 promptly to the Idaho transportation department ~~and if~~. If a majority of all
 14 of the votes cast in ~~three (3)~~ two (2) or more contiguous counties be in the
 15 affirmative, then the Idaho transportation department shall enter an order
 16 declaring such regional airport authority established within the limits of
 17 those counties that did vote in the affirmative, and shall certify such fact
 18 to the board of county commissioners of each county in the region in which an
 19 affirmative vote was cast. Counties ~~which~~ that voted in the negative shall
 20 be excluded from the regional airport authority and shall be so notified
 21 by the Idaho transportation department. The cost of providing such elec-
 22 tion shall be paid by the respective boards of county commissioners, from
 23 funds available to such county. Provided, however, if the interim board of
 24 trustees is convinced that it would be impracticable for the ~~three (3)~~ two
 25 (2) contiguous counties to establish a regional airport authority, and so
 26 certifies to the Idaho transportation department and the board of county
 27 commissioners of those counties that did vote in the affirmative, the elec-
 28 tion shall be null and void and the authority shall not be created.

29 SECTION 3. That Section 21-814, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 21-814. DISSOLUTION OF AUTHORITY. A regional airport authority shall
 32 be, or may be, dissolved in accordance with the provisions herein provided:

33 (a) If, following the withdrawal pursuant to the provisions of section
 34 21-805B, Idaho Code, of any county from a previously organized regional air-
 35 port authority, there shall remain in such authority less than ~~three (3)~~ two
 36 (2) counties, then such regional airport authority shall be dissolved in ac-
 37 cordance with the provisions ~~herein~~ set forth in subsection (b) of this sec-
 38 tion in the same manner as though the election for dissolution therein speci-
 39 fied had been held and approved.

40 (b) The board of trustees of any regional airport authority may, at any
 41 regularly scheduled meeting, approve by majority vote, the calling of an
 42 election within the counties comprising the authority, to determine whether
 43 or not the regional airport authority should be dissolved, upon a finding by
 44 a majority of the board that there no longer exists any worthwhile reason for
 45 the regional airport authority's continuing in existence.

46 (1) Upon the determination by majority vote that it desires to call
 47 an election to determine whether or not the regional airport author-
 48 ity should be dissolved, the board of trustees of such authority shall
 49 further determine the percentage that the assessed valuation of each

1 county within the authority bears to the total assessed valuation of all
2 counties within the authority, based upon the assessed valuation used
3 in the authority's last certification of dollar amounts to the counties
4 for ad valorem tax purposes, and shall forward to the Idaho trans-
5 portation department the boards of trustees' certification that such
6 dissolution election has been called for and the board's computation
7 of the percentage that the assessed valuation of each county within the
8 authority bears to the total assessed valuation of all counties within
9 the authority.

10 (2) Upon receiving such certification from the board of trustees of the
11 regional airport authority, the Idaho transportation department shall
12 within ten (10) days from receipt thereof enter an order directing the
13 county commissioners of each of the counties within such regional air-
14 port authority to hold an election upon the date of the next election
15 held pursuant to section 34-106, Idaho Code, following such order for
16 the purpose of determining whether or not the regional airport author-
17 ity should be dissolved. Such order shall specify the percentage that
18 the assessment valuation of each county within the authority bears to
19 the total assessed valuation of all counties within the authority, as
20 determined by the board of trustees, and shall direct that the notice
21 of election and questions to be submitted to the voters shall indicate
22 that, if dissolution be approved, each of the counties shall remain li-
23 able for such counties' respective percentage of all bonded, warrant,
24 and other indebtedness existing at the time of dissolution, or there-
25 after incurred for the purposes of winding up the affairs of the author-
26 ity.

27 (3) Upon receipt of such order from the Idaho transportation depart-
28 ment, the county commissioners of each county within the regional air-
29 port authority shall enter an order directing that an election shall be
30 held within such county on the date specified in such order to deter-
31 mine whether or not the regional airport authority shall be dissolved.
32 Such election shall be conducted in the manner set forth in subsections
33 (6) and (7) of section 21-805B, Idaho Code, except that the notice of
34 election and the question submitted to the voters shall specify that the
35 question to be determined is whether or not the regional airport author-
36 ity should be dissolved, rather than whether or not a specified county
37 should withdraw from the authority.

38 (4) At the next regularly scheduled meeting following such election,
39 the boards of county commissioners of the respective counties, having
40 held such elections, shall canvass and certify the results thereof to
41 the Idaho transportation department and the regional airport author-
42 ity.

43 (5) If a majority of all of the voters voting at such elections in all
44 of the counties within the regional airport authority shall vote in the
45 affirmative for the dissolution of the regional airport authority, the
46 board of trustees of the regional airport authority at ~~their~~ its next
47 regular meeting following receipt of certification of such election
48 results to them by the respective boards of county commissioners shall
49 determine the total amount of all bonded, warrant, and other indebt-
50 edness of the authority existing as of the date of such election, and

1 shall certify the amounts of all such indebtednesses and to whom owed
2 to the Idaho transportation department within ten (10) days following
3 such meeting. If the certification from the county commissioners shall
4 indicate that a majority of the voters in all of the counties voting at
5 such election have voted in the negative on the question of whether the
6 authority should be dissolved, the board of trustees need not make such
7 determination or certification to the Idaho transportation department.

8 (6) If the Idaho transportation department receives a certification
9 from the county commissioners of each of the respective counties that
10 such election has been held, and the votes thereof canvassed, and it
11 appears from such certifications that a majority of all of the persons
12 voting at such elections within all such counties have voted in the af-
13 firmative to have the regional airport authority dissolved, the Idaho
14 transportation department shall, upon receipt of certification from
15 the board of trustees of the regional airport authority of the amount of
16 bonded, warrant, and other indebtedness of the authority existing as of
17 the date of such election, enter and deliver to the respective county
18 commissioners of each county within such authority an order that a ma-
19 jority having voted for dissolution of the regional airport authority,
20 it is dissolved. Such order shall further itemize the total bonded,
21 warrant, and other indebtedness of the regional airport authority ex-
22 isting as of the date of such dissolution, and shall order that each
23 county within the authority, including any that may still owe a por-
24 tion of the liability after having previously withdrawn, shall remain
25 liable for the percentage of such indebtedness previously determined
26 by the order of the transportation department, and each such county
27 shall thereafter remain liable to the regional airport authority for
28 the amount determined by applying the percentages so determined to the
29 existing indebtedness so determined together with any other necessary
30 expenses which may thereafter be incurred for the purpose of winding up
31 the business of the regional airport authority.

32 (7) After the entry of such order of dissolution by the Idaho trans-
33 portation department, the board of trustees of the regional airport
34 authority shall have no right or authority to incur any additional
35 expenses in conducting and carrying on the business of the authority ex-
36 cept those necessary to wind up the affairs of the authority. In winding
37 up the affairs of the authority, the board of trustees shall continue to
38 exercise all of the rights and powers granted to them by law to the ex-
39 tent necessary to wind up the authority's affairs, including the right
40 to determine and certify annually to the respective boards of county
41 commissioners of the counties obligated to pay therefor under the order
42 of the Idaho transportation department the dollar amounts necessary to
43 be raised by ad valorem taxes on all property within such counties to pay
44 such counties' share of all bonded, warrant, and other indebtednesses
45 existing as of the date of the dissolution of such authority, and all
46 necessary expenses incurred thereafter in winding up the affairs of the
47 authority. The county commissioners of each such county shall there-
48 after compute the amount of ad valorem tax necessary to raise the amount
49 so certified and shall levy and collect such taxes in the same manner as
50 other ad valorem taxes levied by the county.

1 (8) When all bonded, warrant, and other indebtednesses of the regional
2 airport authority existing as of the date of the dissolution of election
3 have been paid, together with all necessary expenses incurred in wind-
4 ing up the affairs thereof, the board of trustees of the regional air-
5 port authority shall refund to the counties having constituted such au-
6 thority each county's pro rata share of any money or other assets of the
7 authority ~~which that~~ have not been disbursed; ~~such~~. Such pro rata share
8 ~~to~~ shall be based upon the same percentage that the counties were re-
9 quired to pay upon the indebtednesses of the regional airport authority
10 in winding up its affairs.

11 (9) Upon completion of the winding up of the affairs of the regional
12 airport authority, the board of trustees thereof shall certify such
13 fact to the Idaho transportation department; and upon receipt of such
14 certification, the Idaho transportation department shall enter and
15 forward to the counties its order that the affairs of the regional air-
16 port authority have been wound up; that the board of trustees of the
17 regional airport authority is dissolved; and that all powers of the
18 board of trustees are terminated as of the date of such order.

19 (10) All dollar certification amounts previously certified to the
20 counties included within the regional airport authority prior to its
21 dissolution ~~which that~~ remain uncollected or undispursed to the re-
22 gional airport authority at the time of the entry of the order by the
23 Idaho transportation department winding up the affairs of the regional
24 airport authority and terminating its board of trustees shall be re-
25 tained by such counties and placed in their general fund.

26 (11) Nothing in this act shall be construed as impairing the validity of
27 any bonds or warrants of the regional airport authority outstanding at
28 the time of the entry of the order of dissolution of the authority by the
29 Idaho transportation department pursuant to the provisions of this sec-
30 tion; nor shall the dissolution of the regional airport authority pur-
31 suant to the provisions of this section in any way affect the rights of
32 holders of general obligation bonds issued by the regional airport au-
33 thority prior to the time of the entry of such order of dissolution.