

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 102, As Amended in the Senate

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO RECREATION DISTRICTS; AMENDING SECTION 31-4320, IDAHO CODE, TO  
2 REVISE A PROVISION REGARDING PETITIONS FOR DISSOLUTION OF RECREATION  
3 DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY  
4 AND PROVIDING AN EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 31-4320, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 31-4320. DISSOLUTION OF DISTRICT -- PROCEDURE. A recreation district  
10 may be dissolved as follows:

11 (a) Any person or persons may file a petition for the dissolution of a  
12 recreation district with the clerk. Such petition, which may be in one (1) or  
13 more papers, shall state the name of the district and shall be signed by not  
14 less than twenty ~~per cent~~ percent (20%) of the qualified electors resident  
15 within the boundaries of the district. Alternatively, if the number of qual-  
16 ified electors resident within the boundaries of the district has increased  
17 by more than two hundred percent (200%) since the creation of the recreation  
18 district, then a majority of the board of directors of the recreation dis-  
19 trict may file a petition for the dissolution of the recreation district with  
20 the clerk. Such petition shall state the name of the district but shall not  
21 require any signatures of the qualified electors resident within the bound-  
22 aries of the district.

23 (b) Within thirty (30) days after the filing of such petition, the  
24 county commissioners shall determine whether or not the same substantially  
25 complies with the requirements of this section. If the county commissioners  
26 find that there has not been substantial compliance with such requirements,  
27 they shall enter an order to that effect specifying the particular deficien-  
28 cies and dismissing the petition. If the county commissioners find that  
29 there has been substantial compliance with such requirements, the county  
30 commissioners shall ~~forthwith~~ timely enter an order to that effect and  
31 ~~ealling~~ call an election, subject to the provisions of section 34-106, Idaho  
32 Code, ~~upon~~ on the dissolution of such district as provided in this section.

33 (c) If the county commissioners order an election as provided in this  
34 section, such election shall be conducted and notice thereof given in accor-  
35 dance with the provisions of section 31-4304, Idaho Code.

36 (d) Immediately after such election, the judges at such election shall  
37 forward the ballots and results of such election to the clerk. The county  
38 commissioners shall canvass the vote within ten (10) days after such elec-  
39 tion. If one-half (1/2) or more of the votes cast at such election are  
40 against the dissolution of such district, the county commissioners shall  
41 enter an order so finding and declaring that such district shall not be dis-  
42 solved. If more than one-half (1/2) of the votes cast at such election are

1 in favor of dissolving such district, the county commissioners shall enter  
2 an order so finding and declaring such district duly dissolved. The county  
3 commissioners shall cause one (1) certified copy of such order to be filed in  
4 the office of the county recorder of such county. Immediately upon the entry  
5 of such order, the dissolution of such district shall be complete.

6 (e) Upon such dissolution being complete, title to all property of the  
7 dissolved district shall vest in the county where such property is situated.  
8 The county commissioners shall then: sell and dispose thereof in the man-  
9 ner provided by law for the sale or disposition of county property; apply the  
10 proceeds thereof to pay any lawful claims against the dissolved district, if  
11 any; and apply the balance remaining, if any, to any public recreation pur-  
12 poses within the county.

13 (f) When the boundaries of the district lie in two (2) or more counties,  
14 the county commissioners of each county shall act separately in the elec-  
15 tion and dissolution of that part of the district contained in their county  
16 but the county commissioners of each such county shall meet together before  
17 calling such election and provide for uniform proceedings in each county. If  
18 there is any balance remaining after sale and disposition of the property of  
19 such dissolved district, it shall be prorated among such counties in propor-  
20 tion to each county's share of the total assessed valuation of such dissolved  
21 district for the preceding calendar year.

22 (g) After such election, the validity of the proceedings hereunder  
23 shall not be affected by any defect in the petition or in the number or  
24 qualifications of the signers thereof, and in no event shall any action be  
25 commenced or maintained or defense made affecting the validity of the dis-  
26 solution of such district after six (6) months has expired from the date of  
27 entering the order declaring the dissolution of such district.

28 SECTION 2. An emergency existing therefor, which emergency is hereby  
29 declared to exist, this act shall be in full force and effect on and after  
30 July 1, 2025.