

TITLE 21
AERONAUTICS

CHAPTER 8
REGIONAL AIRPORTS

21-801. PURPOSE -- DEVELOPMENT OF REGIONAL AIRPORTS. The purpose of this act is to provide for the development of regional airports in the state of Idaho, with the financial participation of the individual counties to be based on benefits received therefrom. In determining benefits received, it is the express intention of the legislature that the following factors be considered: distance from regional airport, population of county, and tax base of county.

[21-801, added 1967, ch. 277, sec. 1, p. 776.]

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

[21-802, added 1967, ch. 277, sec. 2, p. 776.]

21-803. APPOINTMENT OF BOARDS OF TRUSTEES. The Idaho transportation board shall, upon receipt of a petition signed by not less than twenty-five (25) electors from each legislative district within an air region as described in section [21-802](#), Idaho Code, appoint an interim board of trustees to consist of one (1) appointee from each legislative district in the region. Members of such boards shall serve without pay until such time as the regional airport authority is established and tax levying authority granted, after which such boards shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. At the first meeting of each such board, a chairman shall be selected from the membership of the respective board. Such interim boards shall serve in such capacity until their successors are elected and qualified as provided in section [21-806](#), Idaho Code, and such boards shall exercise all powers and duties granted to the permanent board of trustees under section [21-807](#), Idaho Code.

[21-803, added 1967, ch. 277, sec. 3, p. 776; am. 1974, ch. 12, sec. 111, p. 61; am. 1976, ch. 220, sec. 1, p. 793.]

21-804. DEGREE OF FINANCIAL PARTICIPATION BY COUNTIES. Each interim board of trustees shall, with the advice and assistance of the Idaho transportation board, establish a formula for the degree of financial participation in a regional airport authority by each such county in the region, based upon the benefits each county would receive therefrom. In establishing the formula, the interim board of trustees shall consider the

distance of each county seat from the proposed regional airport, the tax base of each county and the population of each county. Before any election may be held to establish a regional airport authority, the interim board of trustees shall have established, on a percentage basis, the degree of financial participation expected of each county in the region. The board shall, in addition, determine the location of the proposed regional airport.

[21-804, added 1967, ch. 277, sec. 4, p. 776; am. 1974, ch. 12, sec. 112, p. 61.]

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

(a) A petition signed by not less than five percent (5%) of the electors from each county in the region, describing the degree of percentage of financial participation of each such county in the district and the proposed location of the regional airport, and praying for the organization of the region as a regional airport authority, together with a true copy thereof, shall be filed with the Idaho transportation department. Prior to filing such petition each clerk of the board of county commissioners of the counties in the region shall verify the validity of the signatures within the county.

(b) Upon approval of the petition, the Idaho transportation department shall advise the boards of county commissioners of the counties in the region of the date of the election, which shall occur in May of even-numbered years, and each such board shall enter an order that an election be held for the purpose of voting on the question of the creation of such regional airport authority. Notice of election shall be published, the election shall be conducted and the returns thereof canvassed as required in [title 34](#), Idaho Code. Provided, however, as a condition of voting in such election, an elector shall meet the qualifications prescribed in section [34-402](#), Idaho Code, and in addition shall be a resident of the proposed regional airport authority. The ballot shall contain the words "Regional Airport Authority--Yes" and "Regional Airport Authority--No," each followed by a box in which the voter may express his choice by marking the ballot. The county clerk of each county shall conduct such election and the county board of canvassers shall canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so canvassed shall be certified promptly to the Idaho transportation department and if a majority of all of the votes cast in three (3) or more contiguous counties be in the affirmative, then the Idaho transportation department shall enter an order declaring such regional airport authority established within the limits of those counties that did vote in the affirmative, and shall certify such fact to the board of county commissioners of each county in the region in which an affirmative vote was cast. Counties which voted in the negative shall be excluded from the regional airport authority and shall be so notified by the Idaho transportation department. The cost of providing such election shall be paid by the respective boards of county commissioners, from funds available to such county. Provided, however, if the interim board of trustees is convinced that it would be impracticable for the three (3) contiguous counties to establish a regional airport authority, and so certifies to the Idaho transportation department and the board of county commissioners of those counties that did vote in the affirmative, the election shall be null and void and the authority shall not be created.

[21-805, added 1967, ch. 277, sec. 5, p. 776; am. 1970, ch. 35, sec. 1, p. 73; am. 1974, ch. 12, sec. 113, p. 61; am. 1995, ch. 118, sec. 2, p. 419; am. 2009, ch. 341, sec. 2, p. 993.]

21-805A. ANNEXATION TO EXISTING AUTHORITY -- ELECTION. Subsequent to the organization of a regional airport authority, any county which is contiguous and which voted in the negative and was excluded from the authority at the time of the election held as provided in section [21-805](#), Idaho Code, may vote to join the authority. The provisions of section [21-805](#), Idaho Code, shall apply as nearly as possible to the election to be held. The question to be submitted to the electors of the existing authority and to the electors of the county wishing to be annexed shall clearly indicate the degree of financial participation of each of the participating counties should the annexation be approved, the division among the participating counties of any existing bond or debt obligations should the annexation be approved, and the representation on the permanent board of trustees to be given the annexed county should the annexation be approved. If a majority of all the votes cast in the existing district be in the affirmative, and if a majority of the votes cast in the county wishing to be annexed be in the affirmative, the Idaho transportation department shall enter an order declaring such county to be a part of the regional airport authority, and shall certify such fact to the board of county commissioners of each county in the authority.

[I.C., sec. 21-805A, as added by 1970, ch. 35, sec. 2, p. 73; am. 1974, ch. 12, sec. 114, p. 61.]

21-805B. WITHDRAWAL FROM EXISTING AUTHORITY -- ELECTION -- INDEBTEDNESS APPORTIONMENT -- TRUSTEE REPRESENTATION. Subsequent to the organization of a regional airport authority, the electors of any county which has joined the regional airport authority may call for an election to have such county withdraw from the authority in the manner, and subject to the provisions, herein in this section provided:

(1) Such election for withdrawal may be called for by the submission to the board of trustees of the regional airport authority of petitions containing the statements and information hereinafter set forth, signed by not less than five percent (5%) of the qualified electors of each county which is a member of the authority, as defined in section [34-402](#), Idaho Code, existing as of the date of submission of such petitions to the county clerks for verification as hereinafter provided.

(2) Prior to submitting such petition for withdrawal to the board of trustees of the regional airport authority, the electors submitting such petition shall obtain from the county clerks of each county which is a member of the authority, and submit to the board of trustees with such petitions, a verification of the validity of the signatures upon such petitions; a verification as to which of such signatures are those of electors qualified in accordance with the provisions of section [34-402](#), Idaho Code, at the time of the submission of the petition; and a certification as to the total number of qualified electors existing in the county as of the date of the submission of such petition to the clerk.

(3) The petitions submitted shall specify the county whose withdrawal from the authority is sought, and shall contain the names, addresses and dates of signing of each of the electors signing such petition, and the following statements: that the persons signing are bona fide residents of a county within the authority and electors qualified under the provi-

sions of section [34-402](#), Idaho Code; that the persons signing desire to have an election held to determine whether or not the county specified in the petition should withdraw from the regional airport authority; and that the persons signing understand that if such withdrawal should become effective following an election, the taxpayers and property of the county withdrawing would remain liable following such withdrawal for that county's proportionate share of all bonded, warrant, and other indebtedness incurred by the regional airport authority prior to the time of such withdrawal as determined by the board of trustees in accordance with the provisions herein provided.

(4) Upon receiving such petitions and the verifications and certifications from the county clerks of each county which is a member of the authority, the board of trustees shall, at its next regularly scheduled meeting, determine the percentage that the assessed valuation of the county whose withdrawal is petitioned bears to the total assessed valuation figures utilized in the authority's most recent ad valorem budget certification, and shall forward such petitions, county clerks' verifications and certifications, and assessed valuation percentage determination to the Idaho transportation department with a request that the Idaho transportation department enter an order directing the board of county commissioners of each county which is a member of the authority to hold an election for the purpose of determining whether or not the withdrawal petitioned for should be approved or disapproved.

(5) Upon receipt of such petitions, county clerks' verifications and certifications, assessed valuation percentage computation, and request from the regional airport authority, the Idaho transportation department shall, within ten (10) days of receipt thereof, enter and forward to the board of county commissioners of each county which is a member of the authority an order directing such boards of county commissioners to conduct an election within their counties, in the manner herein described, to determine whether or not such withdrawal from the regional airport should be approved, and to canvass the returns thereof, and to certify the results of such canvass to the Idaho transportation department and the regional airport authority. Such order shall direct that such election shall be held on the next election held as provided in section [34-106](#), Idaho Code, following such order; shall specify the amount of the existing regional airport authority indebtedness for which the county will remain liable should withdrawal be approved; and shall order that such information be set forth on the notice of election and ballot to be prepared by the counties.

(6) Upon receipt of such order from the Idaho transportation department, the county commissioners of each county which is a member of the authority shall enter an order directing that an election shall be held on the next election held as provided in section [34-106](#), Idaho Code, following the order from the Idaho transportation department to determine whether or not the withdrawal from the regional airport authority petitioned for should be approved. Such election shall thereafter be conducted as provided in [chapter 14, title 34](#), Idaho Code, by the county commissioners and notice thereof shall be published in a newspaper of general circulation within the county once not less than twelve (12) days prior to the election, and a second time not less than five (5) days preceding the holding of the election. The notice shall specify that the purpose thereof is to determine whether or not the county specified in the petition should withdraw from the regional airport authority; shall designate the polling places within the

county where electors may vote upon such question; shall specify the times during which the polling places will be open; shall specify that persons wishing to vote must possess the qualifications of electors as set forth in section [34-402](#), Idaho Code; and shall state that if such withdrawal becomes effective, the taxpayers and property of the county whose withdrawal is approved shall remain liable following such withdrawal for the percentage of all bonded, warrant, and other indebtedness of the regional airport authority determined by the board of trustees and certified to the Idaho transportation department as hereinabove provided, existing as of the date of such election. The county commissioners shall arrange for such polling places; appoint the necessary election judges and other personnel required to conduct such election; and shall conduct such election at the time and at the polling places specified in the notice thereof. At its next regularly scheduled meeting following the holding of such election the boards of county commissioners shall canvass and certify the results thereof to the Idaho transportation department and the regional airport authority. All costs and expenses incurred in conducting such election shall be paid by the counties conducting such election.

(7) The ballot used in such election shall indicate the percentage of the existing liability of the authority for which the county taxpayers and property of the withdrawing county shall remain liable if withdrawal from the authority is approved, and the question to be submitted to the voters by such ballot shall be whether or not the county specified should withdraw from the regional airport authority, and shall be followed by a box in which the voter may express his choice, either yes or no, by marking an "X" in the appropriately designated box.

(8) If a majority of the voters voting at such election shall vote in the affirmative for the withdrawal of the county from the regional airport authority, the board of trustees of the regional airport authority at their next regular meeting following certification of such election results to them by the boards of county commissioners, shall determine the total amount of all bonded, warrant, and other indebtedness of the authority existing as of the date of such election, and shall certify the amounts of all such indebtednesses, and to whom owed, to the Idaho transportation department within ten (10) days following such meeting. If the certifications from the boards of county commissioners shall indicate that a majority of the voters voting at such election voted in the negative on the question of whether such counties should withdraw from the authority, the board of trustees need not make such determination or certification to the Idaho transportation department.

(9) If the Idaho transportation department receives a certification from the boards of county commissioners that such election has been held, that the votes thereof have been canvassed, and that a majority of the persons voting at such election have voted in the affirmative to have such county withdraw from the regional airport authority, the Idaho transportation department shall upon receipt of certification from the board of trustees of the regional airport authority of the amount of bonded, warrant, and other indebtedness of the authority existing as of the date of such election, enter and deliver to the board of county commissioners of each county which is a member of the authority and the board of trustees of the regional airport authority an order that the electors having voted in the affirmative for such withdrawal, the county specified is detached from the regional airport authority. Such order shall further itemize

the total bonded, warrant, and other indebtedness of the regional airport authority existing as of the date of such election, and shall order that the county detached from the authority is, and shall remain, liable for the percentage of such indebtedness previously determined by the order of the Idaho transportation department ordering such election, and such detached county shall thereafter remain liable to the regional airport authority for the amount determined by applying the percentage so determined to the existing indebtedness so determined.

(10) Notwithstanding the detachment of such county from the regional airport authority, the board of trustees of the regional airport authority shall annually thereafter, until the full amount owing by such detached county is paid, determine and certify annually to the board of county commissioners of such detached county the dollar amount necessary to be raised by an ad valorem tax on all property within the county to pay such detached county's share of all bonded, warrant, and other indebtedness existing as of the date of the election approving such detachment as herein set forth. The county commissioners of such detached county shall thereafter compute the amount of ad valorem tax necessary to raise the amount so certified and shall levy and collect such tax in the same manner as other ad valorem taxes levied by the county. After such detachment the detached county and the property therein shall not be subject to taxation by the regional airport authority for the future operations of the regional airport authority or for the repayment of any indebtedness incurred by the authority subsequent to the date of the election approving such detachment.

(11) Nothing in this act shall be construed as impairing the validity of any bonds or warrants of the regional airport authority outstanding at the time of the detachment of any county therefrom pursuant to the provisions of this section; nor shall the detachment of any county from the regional airport authority pursuant to the provisions of this section in any way affect the rights of holders of general obligation bonds issued by the regional airport authority at any time when the detached county was a participating member of the regional airport authority.

(12) From and after entry of the order of detachment by the Idaho transportation department the office of trustee of any trustee elected from a legislative district lying wholly within such detached county shall terminate, and the trustee occupying such office shall thereafter have no authority to sit as a member of the board of trustees of the authority. Any trustee elected from a legislative district lying partly within such detached county and partly within other counties remaining within the authority shall retain his office as a member of the board of trustees of the authority, but shall from the date of the entry of the order by the Idaho transportation department ordering such detachment represent only that area in the legislative district from which he was elected which lies within counties remaining in the authority after such detachment.

[21-805B, added 1979, ch. 127, sec. 1, p. 391; am. 1995, ch. 118, sec. 3, p. 420.]

21-806. ELECTION OF BOARD OF TRUSTEES. At the next succeeding primary election following the creation of any such regional airport authority, the electors of each of the legislative districts within the participating counties within such region shall elect, on a nonpartisan basis, a member of the authority's permanent board of trustees, hereinafter referred to as the board, except that in the northern and north central regions, one (1)

additional board member shall be elected from each such region at large. At the first such election, members elected from even-numbered legislative districts, together with the member elected at large from the northern region and the member elected at large from the north central region, shall be elected for four (4) year terms of office, and members elected from odd-numbered legislative districts shall be elected for two (2) year terms of office. Thereafter all such members shall be elected for four (4) year terms of office, and shall serve until their successors are elected and qualified. The term of office of members so elected shall commence on December 1 of the year in which they were elected.

Notice of the election and the conduct thereof shall be as prescribed in [chapter 14, title 34](#), Idaho Code. As a condition of voting, an elector shall meet the qualifications prescribed in section [34-402](#), Idaho Code, and in addition shall be a resident of the regional airport authority.

In any election for member of the board, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for that office, it shall not be necessary for the candidate to stand for election and the board shall declare such candidate elected as a member of the board and the secretary of the district shall immediately make and deliver to such person a certificate of election.

The person receiving the largest number of votes shall be declared elected. If it be necessary to resolve a tie between two (2) or more persons, the interim board or the permanent board, as the case may be, shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

Elections held pursuant to this section shall coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, subject to the provisions of sections [34-106](#) and [34-1401](#), Idaho Code.

Elections of board members shall, after the first such election, be held every other year in even-numbered years, and shall be held on such uniform day consistent with the provisions of section [34-106](#), Idaho Code, as the board shall determine. Vacancies on the board shall be filled by appointment of remaining members, for the expiration of such term of office. The board members shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state. Members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

[21-806, added 1967, ch. 277, sec. 6, p. 776; am. 1970, ch. 35, sec. 3, p. 73; am. 1995, ch. 118, sec. 4, p. 424; am. 2009, ch. 341, sec. 3, p. 994.]

21-807. POWERS OF BOARD. The board of any authority established under the provisions of this act shall have power:

- (1) To sue and be sued;
- (2) To acquire, hold, and dispose of personal property;
- (3) To acquire, in the name of the authority by purchase or condemnation, real property or rights or easements therein necessary or convenient for its purposes, and, except as may otherwise be provided herein, to use the same in acquiring property, any such authority may exercise the right of eminent domain as provided in [chapter 7, title 7](#), Idaho Code;

(4) To establish rules and regulations for the management and regulation of its affairs, and to make rules and regulations for the use of projects, and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority;

(5) To appoint a chairman from the membership of the board, and to appoint officers, agents, and employees and fix their compensation;

(6) To make contracts, leases, and all other instruments necessary or convenient to the purposes of the authority;

(7) To design, construct, maintain, operate, improve, and reconstruct such projects as shall be necessary and convenient to the maintenance and development of aviation services to and for the region in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon; all on such terms and conditions as the authority may determine;

(8) To include in such project, subject to zoning restrictions, space and facilities for any or all of the following: public recreation, business, trade or other exhibitions, sporting or athletic events, public meetings, conventions, and all other kinds of assemblages, and in order to obtain additional revenues, space, and facilities for business and commercial purposes. Whenever the board deems it to be in the public interest, the board may lease any such project or any part or parts thereof, or contract for the management and operation thereof or any part or parts thereof. Any such lease or contract may be for such period of years as the board shall determine;

(9) To charge fees, rentals, and other charges for the use of projects under the jurisdiction of such board. All fees, rentals, charges, and other revenues derived from any project shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly chargeable to such project and to the payment of the interest on and principal of bonds or for making sinking fund payments therefor. The board may treat one (1) or more projects as a single enterprise in respect of revenues, expenses, the issuance of bonds, maintenance, operation, or other purposes;

(10) Subject to and consistent with the percentages of financial participation determined by the board and approved by the electors of the region, as provided in sections [21-804](#) and [21-805](#), Idaho Code, or as determined by the board as provided in subsection (14) of this section, to certify annually to the boards of county commissioners of the participating counties in the region the amount of tax to be levied to fund the ad valorem tax portion of the budget for the airport authority's purposes. The ad valorem tax portion of the budget shall not exceed five hundredths percent (.05%) of market value for assessment purposes of the taxable property in such county, and the boards of county commissioners shall levy and collect the taxes to fund the ad valorem tax portion of the budget so certified at the same time and in the same manner as other county taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special account or accounts in which other revenues of the authority are deposited;

(11) To construct and maintain under, along, over, or across a project, telephone, telegraph, or electric wires and cables, fuel lines, gas mains, water mains, and other mechanical equipment not inconsistent with the appropriate use of such project, to contract for such construction and to lease the right to construct and use the same, or to use the same on such terms for such periods of time and for such consideration as the board shall determine;

(12) To accept grants, loans, or contributions from the United States, the state of Idaho, or any agency or instrumentality of either of them, or from any private group or individual, and to expend the proceeds thereof consistent with the laws of the United States and of the state of Idaho;

(13) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and to do all things necessary or convenient to carry out the powers expressly conferred on such authorities by this act;

(14) To determine the degree of financial participation of each county participating in the regional airport authority after such authority has been established as provided in section [21-805](#), Idaho Code.

[21-807, added 1967, ch. 277, sec. 7, p. 776; am. 1970, ch. 35, sec. 4, p. 73; am. 1976, ch. 130, sec. 1, p. 491; am. 1978, ch. 370, sec. 1, p. 973; am. 1996, ch. 208, sec. 18, p. 674.]

21-808. ISSUANCE OF BONDS. Subject to and consistent with the percentage of financial participation determined by the board and approved by the electors of the region, as provided in sections [21-804](#) and [21-805](#), Idaho Code, or as determined by the board as provided in section [21-807](#)(14), Idaho Code, an authority may secure the necessary funds to finance part or all of the cost of acquiring, establishing, constructing, developing, expanding, extending or further improving the regional airport within its limits through the issuance of general obligation bonds as hereinafter provided, the principal amount of which at any one (1) time outstanding, shall not exceed six-tenths percent (.6%) of market value for assessment purposes of all property within the participating counties within the region. Provided further, all such bonds shall be payable within thirty (30) years from the date of issuance.

[21-808, added 1967, ch. 277, sec. 8, p. 776; am. 1970, ch. 35, sec. 5, p. 73; am. 1978, ch. 369, sec. 1, p. 972; am. 1980, ch. 350, sec. 1, p. 887.]

21-809. BOND ISSUE -- SUBMISSION TO ELECTORS FOR APPROVAL. No general obligation bonds shall be issued until the question whether the bonds shall be issued is submitted to the qualified electors of the participating counties of the region and approved by a two-thirds (2/3) majority of those voting upon the question. As used in this section, "qualified elector" means a person entitled to vote in a school bond election. The question may be submitted at any general election or at a special election called for such purpose by the board of the authority. Notice of the submission of such proposition at any such election shall be published as provided in section [34-1406](#), Idaho Code. In all respects, procedures for such elections shall be in the same manner as provided in [chapter 14, title 34](#), Idaho Code. The ballot to be voted at said election shall read substantially as follows:

Shall the Airport Authority	YES
be authorized to issue general obligation	

bonds in the amount of (fill in the amount) NO
for the purpose of (state purpose)?

If two-thirds (2/3) of the electors of the region voting upon such proposition vote in favor thereof, such bonds may be issued.

[21-809, added 1967, ch. 277, sec. 9, p. 776; am. 1970, ch. 35, sec. 6, p. 73; am. 1995, ch. 118, sec. 5, p. 425.]

21-810. RECORDS -- AUDITS -- BONDS. The board shall provide for the proper and safe keeping of its permanent records and for the recording of the action of the authority. It shall keep a true and accurate account of its receipts and an annual audit shall be made of its books, records and accounts, as required in section [67-450B](#), Idaho Code. All officers and employees authorized to receive or retain the custody of money or to sign vouchers, checks, warrants or evidence of indebtedness binding upon the authority shall furnish surety bond for the faithful performance of their duties and the faithful accounting for all moneys that may come into their hands in an amount to be fixed and in a form to be approved by the board.

[21-810, added 1967, ch. 277, sec. 10, p. 776; am. 1993, ch. 387, sec. 2, p. 1419.]

21-811. PURPOSE -- EXEMPTION FROM TAXATION. It is hereby found, determined, and declared that the creation of a regional airport authority is in all respects for the benefit of the people of the state of Idaho, for the improvement of their welfare and prosperity, and for the promotion of their transportation, and is a public purpose and a matter of statewide concern, and that projects operated by authorities are essential parts of the public transportation system, and that such authorities will be performing essential governmental functions in the exercise of the powers conferred upon them by this act. The state of Idaho declared that authorities shall be required to pay no taxes or assessments upon any of the property acquired by them or under their respective jurisdictions, control, possession, or supervision, or upon the activities of authorities in the operation and maintenance of projects, or upon any charges, fees, revenues, or other income received by authorities except motor vehicle fuel and aviation fuel taxes, and that the bonds and notes of authorities and the income therefrom shall at all times be exempt from taxation.

[21-811, added 1967, ch. 277, sec. 11, p. 776.]

21-812. ISSUANCE OF REVENUE BONDS. Regional airport authorities may issue revenue bonds in the same manner and form as under the municipal bond law contained in [chapter 10, title 50](#), Idaho Code; provided that the ordinance required therein shall be by resolution of the board of trustees. For the purpose of this section, the term "city" in the municipal bond law shall include the term "regional airport authority."

[21-812, added 1976, ch. 128, sec. 1, p. 487.]

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

(a) If following the withdrawal pursuant to the provisions of section [21-805B](#), Idaho Code, of any county from a previously organized regional

airport authority there shall remain in such authority less than three (3) counties, such regional airport authority shall be dissolved in accordance with the provisions herein set forth in subsection (b) of this section in the same manner as though the election for dissolution therein specified had been held and approved.

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

(1) Upon the determination by majority vote that it desires to call an election to determine whether or not the regional airport authority should be dissolved, the board of trustees of such authority shall further determine the percentage that the assessed valuation of each county within the authority bears to the total assessed valuation of all counties within the authority, based upon the assessed valuation used in the authority's last certification of dollar amounts to the counties for ad valorem tax purposes, and shall forward to the Idaho transportation department the boards of trustees' certification that such dissolution election has been called for and the board's computation of the percentage that the assessed valuation of each county within the authority bears to the total assessed valuation of all counties within the authority.

(2) Upon receiving such certification from the board of trustees of the regional airport authority, the Idaho transportation department shall within ten (10) days from receipt thereof enter an order directing the county commissioners of each of the counties within such regional airport authority to hold an election upon the date of the next election held pursuant to section [34-106](#), Idaho Code, following such order for the purpose of determining whether or not the regional airport authority should be dissolved. Such order shall specify the percentage that the assessment valuation of each county within the authority bears to the total assessed valuation of all counties within the authority, as determined by the board of trustees, and shall direct that the notice of election and questions to be submitted to the voters shall indicate that if dissolution be approved, each of the counties shall remain liable for such counties' respective percentage of all bonded, warrant, and other indebtedness existing at the time of dissolution, or thereafter incurred for the purposes of winding up the affairs of the authority.

(3) Upon receipt of such order from the Idaho transportation department, the county commissioners of each county within the regional airport authority shall enter an order directing that an election shall be held within such county on the date specified in such order to determine whether or not the regional airport authority shall be dissolved. Such election shall be conducted in the manner set forth in subsections (6) and (7), section [21-805B](#), Idaho Code, except that the notice of election and the question submitted to the voters shall specify that the question to be determined is whether or not the regional airport authority should be dissolved, rather than whether or not a specified county should withdraw from the authority.

(4) At the next regularly scheduled meeting following such election, the boards of county commissioners of the respective counties, having held such elections shall canvass and certify the results thereof to the Idaho transportation department and the regional airport authority.

(5) If a majority of all of the voters voting at such elections in all of the counties within the regional airport authority shall vote in the affirmative for the dissolution of the regional airport authority, the board of trustees of the regional airport authority at their next regular meeting following receipt of certification of such election results to them by the respective boards of county commissioners shall determine the total amount of all bonded, warrant, and other indebtedness of the authority existing as of the date of such election, and shall certify the amounts of all such indebtednesses and to whom owed to the Idaho transportation department within ten (10) days following such meeting. If the certification from the county commissioners shall indicate that a majority of the voters in all of the counties voting at such election have voted in the negative on the question of whether the authority should be dissolved, the board of trustees need not make such determination or certification to the Idaho transportation department.

(6) If the Idaho transportation department receives a certification from the county commissioners of each of the respective counties that such election has been held, and the votes thereof canvassed, and it appears from such certifications that a majority of all of the persons voting at such elections within all such counties have voted in the affirmative to have the regional airport authority dissolved, the Idaho transportation department shall upon receipt of certification from the board of trustees of the regional airport authority of the amount of bonded, warrant, and other indebtedness of the authority existing as of the date of such election, enter and deliver to the respective county commissioners of each county within such authority an order that a majority having voted for dissolution of the regional airport authority it is dissolved. Such order shall further itemize the total bonded, warrant, and other indebtedness of the regional airport authority existing as of the date of such dissolution, and shall order that each county within the authority, including any that may still owe a portion of the liability after having previously withdrawn, shall remain liable for the percentage of such indebtedness previously determined by the order of the transportation department and each such county shall thereafter remain liable to the regional airport authority for the amount determined by applying the percentages so determined to the existing indebtedness so determined together with any other necessary expenses which may thereafter be incurred for the purpose of winding up the business of the regional airport authority.

(7) After the entry of such order of dissolution by the Idaho transportation department, the board of trustees of the regional airport authority shall have no right or authority to incur any additional expenses in conducting and carrying on the business of the authority except those necessary to wind up the affairs of the authority. In winding up the affairs of the authority, the board of trustees shall continue to exercise all of the rights and powers granted to them by law to the extent necessary to wind up the authority's affairs including the right to determine and certify annually to the respective boards of county commissioners of the counties obligated to pay therefor under the order

of the Idaho transportation department the dollar amounts necessary to be raised by ad valorem taxes on all property within such counties to pay such counties' share of all bonded, warrant, and other indebtednesses existing as of the date of the dissolution of such authority, and all necessary expenses incurred thereafter in winding up the affairs of the authority. The county commissioners of each such county shall thereafter compute the amount of ad valorem tax necessary to raise the amount so certified and shall levy and collect such taxes in the same manner as other ad valorem taxes levied by the county.

(8) When all bonded, warrant, and other indebtednesses of the regional airport authority existing as of the date of the dissolution of election have been paid, together with all necessary expenses incurred in winding up the affairs thereof, the board of trustees of the regional airport authority shall refund to the counties having constituted such authority each county's pro rata share of any money or other assets of the authority which have not been disbursed; such pro rata share to be based upon the same percentage that the counties were required to pay upon the indebtednesses of the regional airport authority in winding up its affairs.

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

(10) All dollar certification amounts previously certified to the counties included within the regional airport authority prior to its dissolution which remain uncollected or undisbursed to the regional airport authority at the time of the entry of the order by the Idaho transportation department winding up the affairs of the regional airport authority and terminating its board of trustees shall be retained by such counties and placed in their general fund.

(11) Nothing in this act shall be construed as impairing the validity of any bonds or warrants of the regional airport authority outstanding at the time of the entry of the order of dissolution of the authority by the Idaho transportation department pursuant to the provisions of this section; nor shall the dissolution of the regional airport authority pursuant to the provisions of this section in any way affect the rights of holders of general obligation bonds issued by the regional airport authority prior to the time of the entry of such order of dissolution.

[21-814, added 1979, ch. 128, sec. 1, p. 396; am. 1995, ch. 118, sec. 6, p. 425.]