

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 241

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO COUNTY FAIR DISTRICTS; AMENDING TITLE 22, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW CHAPTER 10, TITLE 22, IDAHO CODE, TO PROVIDE A SHORT TI-  
3 TLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE CREATION OF COUNTY FAIR  
4 DISTRICTS, TO PROVIDE FOR QUALIFICATIONS, COMPENSATION, AND TERMS OF A  
5 BOARD OF DIRECTORS, TO PROVIDE FOR THE ELECTION OF DIRECTORS, TO PRO-  
6 VIDE FOR PERSONS WHO MAY VOTE IN THE ELECTION, TO PROVIDE FOR THE OR-  
7 GANIZATION OF THE BOARD, BOARD MEETINGS, AND THE INSPECTION OF RECORDS,  
8 TO PROVIDE FOR THE OFFICERS OF THE BOARD, TO PROVIDE FOR THE DUTIES OF  
9 THE PRESIDENT, SECRETARY, AND TREASURER OF THE BOARD, TO PROVIDE FOR THE  
10 FISCAL YEAR OF THE DISTRICT AND AUDITS, TO LIMIT THE POWER OF THE BOARD  
11 TO INCUR DEBT, TO PROVIDE FOR CLAIMS AGAINST THE DISTRICT, TO PROVIDE  
12 FOR THE PURPOSE OF THE DISTRICT, TO PROVIDE FOR THE POWERS OF THE DIS-  
13 TRICT, TO AUTHORIZE THE LEVY OF A TAX OR A FEE IN LIEU OF TAXES, TO PRO-  
14 VIDE FOR THE ANNEXATION OF ADDITIONAL TERRITORY, TO PROVIDE A PROCEDURE  
15 FOR THE DISSOLUTION OF A DISTRICT, TO PROVIDE A DISSOLUTION PROCEDURE  
16 FOR AN INACTIVE DISTRICT, TO PROVIDE FOR THE LIBERAL CONSTRUCTION OF THE  
17 ACT, TO PROVIDE FOR THE AUTHORIZATION, FORM, AND TERMS OF BOND ISSUES,  
18 TO PROVIDE FOR AN ELECTION FOR THE CREATION OF INDEBTEDNESS FOR WORKS  
19 OR IMPROVEMENTS, TO PROVIDE FOR NOTICES OF ELECTION ON PROPOSED INDEBT-  
20 EDNESS, TO PROVIDE FOR THE CONDUCT OF AN ELECTION FOR PROPOSED INDEBT-  
21 EDNESS, TO PROVIDE FOR THE CONSEQUENCES OF A FAVORABLE OR UNFAVORABLE  
22 VOTE, TO PROVIDE FOR BOND SECURITY IN THE FORM OF TAX LEVIES AND A SINK-  
23 ING FUND, TO AUTHORIZE A COUNTY FAIR DISTRICT RESERVE FUND, TO PROVIDE  
24 FOR AN ELECTION FOR A COUNTY FAIR FACILITIES RESERVE FUND, TO PROVIDE  
25 FOR THE ADOPTION OF A BUDGET AND A PUBLIC HEARING, TO PROVIDE NOTICE OF  
26 THE PUBLIC HEARING, TO PROVIDE FOR THE PUBLIC INSPECTION OF THE BUDGET,  
27 TO PROVIDE FOR THE DUTIES OF THE BOARD AT A PUBLIC BUDGET HEARING, AND TO  
28 CLARIFY THE APPLICATION OF THE LAW TO OTHER COUNTY FAIR BOARDS OR DIS-  
29 TRICTS.  
30

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

32 SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended  
33 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
34 ter 10, Title 22, Idaho Code, and to read as follows:

35 CHAPTER 10  
36 COUNTY FAIR DISTRICTS

37 22-1001. SHORT TITLE. This act shall be known and may be cited as the  
38 "County Fair District Act."

39 22-1002. DEFINITIONS. As used in this chapter:

40 (1) "Board" means the board of directors of a county fair district;

- 1           (2) "Clerk" means the clerk of the board of county commissioners of the  
2 county;
- 3           (3) "County" refers to the county in which the proposed or existing  
4 county fair district is situated;
- 5           (4) "County commissioners" means the board of county commissioners of  
6 the county;
- 7           (5) "Director" means a member of a board of directors of a county fair  
8 district;
- 9           (6) "District" means a proposed or existing county fair district orga-  
10 nized under this chapter;
- 11           (7) "Qualified elector" means a person qualified to vote under section  
12 34-104, Idaho Code.

13           22-1003. CREATION OF COUNTY FAIR DISTRICTS. A county fair district may  
14 be created under this chapter as follows:

15           (1) Any person or persons may file a petition for the formation of a  
16 county fair district with the clerk. The petition shall clearly designate  
17 the boundaries of the proposed district, shall state the name of the proposed  
18 district, shall state the maximum tax rate that would be imposed upon taxable  
19 property within the district, and shall be signed by no less than twenty per-  
20 cent (20%) of the qualified electors residing within the boundaries of the  
21 proposed district. The proposed district shall consist of contiguous terri-  
22 tory having market value for assessment purposes of no less than five million  
23 dollars (\$5,000,000) at the last preceding county assessment and shall not  
24 include any area included within an already existing county fair district,  
25 nor any area located in another county. The petition shall be accompanied by  
26 a map showing the boundaries of the proposed district.

27           (2) Within ten (10) days after the filing of the petition and map, the  
28 clerk shall estimate the cost of advertising and holding the election pro-  
29 vided in this section and notify in writing the person or any one of the per-  
30 sons filing the petition as to the amount of the estimate. The person or per-  
31 sons shall deposit the estimated amount with the clerk within twenty (20)  
32 days after receipt of the written notice, or the petition shall be deemed  
33 withdrawn. If the deposit is made and the district is subsequently formed,  
34 the person or persons depositing the sum shall be reimbursed from the first  
35 moneys collected by the district from the taxes authorized to be levied by  
36 this chapter.

37           (3) Within thirty (30) days after the deposit has been made, the county  
38 commissioners shall determine whether or not the petition and map sub-  
39 stantially comply with the requirements of this section. If the county  
40 commissioners find that there has not been substantial compliance with the  
41 requirements, they shall enter an order specifying the particular deficien-  
42 cies, dismissing the petition, and refunding the deposit. If the county  
43 commissioners find that there has been substantial compliance with the re-  
44 quirements, the county commissioners shall enter an order to that effect and  
45 calling an election for the formation of the proposed district.

46           (4) An election that has been ordered by the county commissioners shall  
47 be conducted in accordance with the general election laws of the state,  
48 including section 34-106, Idaho Code, and the provisions of chapter 14,  
49 title 34, Idaho Code. The county commissioners shall establish election

1 precincts, design and print elector's oaths, ballots, and other necessary  
2 supplies, appoint election personnel, and by rule and regulation provide for  
3 the conduct and tally of the election. Each qualified elector who is a resi-  
4 dent of the proposed district shall be entitled to vote in the election. The  
5 clerk shall give notice of the election, clearly designating the boundaries  
6 of the proposed district, the name of the proposed district as designated in  
7 the petition, the date of the election, and the hours the polls will be open  
8 for receipt of ballots. The notice shall also set forth the qualifications  
9 of electors and shall state that a map showing the boundaries of the district  
10 is on file in the office of the clerk. The notice shall be published for the  
11 first time no less than twelve (12) days prior to the election, and the second  
12 publication shall be made no less than five (5) days prior to the election in  
13 a newspaper published within the county.

14 (5) Immediately after the election, the judges at the election shall  
15 forward the ballots and results of the election to the clerk. The county com-  
16 missioners shall canvass the vote within ten (10) days after the election.  
17 If two-thirds (2/3) of the votes cast at the election are in favor of form-  
18 ing the district, the county commissioners shall enter an order so finding,  
19 declaring the district duly organized under the name designated in the peti-  
20 tion, and dividing the district into three (3) subdivisions, as nearly equal  
21 in population as possible, to be known as director's subdistricts 1, 2, and  
22 3. The county commissioners shall cause one (1) certified copy of the order  
23 to be filed in the office of the county recorder of the county. Immediately  
24 upon the entry of the order, the organization of the district shall be com-  
25 plete.

26 (6) After filing the certified copy of the order creating the county  
27 fair district, the board of county commissioners shall appoint a qualified  
28 elector residing in each director's subdistrict, together constituting the  
29 first board of the district. The appointees from director's subdistricts 1  
30 and 2 shall serve until the first district election thereafter held at which  
31 their successors shall be elected and the appointee from director's subdis-  
32 trict 3 shall serve until the second district election thereafter held at  
33 which the appointee's successor shall be elected. The certificate of ap-  
34 pointment shall be filed with the clerk, with a copy forwarded to each ap-  
35 pointee.

36 (7) After the election, the validity of the proceedings hereunder shall  
37 not be affected by any defect in the petition or in the number or qualifica-  
38 tion of the signers thereof, and in no event shall any action be commenced or  
39 maintained or defense made affecting the validity of the organization of the  
40 district after six (6) months have expired from the date of entering the or-  
41 der declaring the formation of the district.

42 22-1004. DIRECTORS -- QUALIFICATIONS -- VACANCY -- COMPENSATION --  
43 TERM. (1) Each district shall be governed by a board of three (3) directors  
44 who shall manage and conduct the business and affairs of the district, and  
45 all powers granted to the district by this chapter shall be exercised by the  
46 board or its duly authorized officers and agents.

47 (2) At any time after the creation of the district, the board of direc-  
48 tors may, by resolution duly adopted, increase the size of the board from  
49 three (3) members to five (5) members. The resolution shall provide for the

1 designation of five (5) director's subdistricts. The board shall appoint  
2 a qualified elector who resides in each of the newly created director's  
3 subdistricts, one (1) of whom shall serve until the first district election  
4 thereafter held, and one (1) of whom shall serve until the second district  
5 election thereafter held.

6 (3) Every director appointed or elected shall be a qualified elector  
7 and a resident of the district. Not more than one (1) director shall reside  
8 in the same director's subdistrict. Each director shall take and subscribe  
9 an oath of office before assuming any duties, which oath shall be filed in the  
10 records of the board. Any vacancy occurring in the office of director, other  
11 than by expiration of the term of office, shall be filled by appointment by  
12 the board for the unexpired term. The directors shall receive no compensa-  
13 tion for their services as a director but shall be entitled to reimbursement  
14 for the amount of their actual and necessary expenses incurred in the perfor-  
15 mance of their official duties. Following the term of the initial appoint-  
16 ment, a director shall be elected for a term of four (4) years, which shall  
17 begin on the first day of January of the year following the election and shall  
18 continue until a successor is elected and has qualified.

19 22-1005. ELECTION OF DIRECTORS. (1) An election of directors shall be  
20 held in each district on the Tuesday succeeding the first Monday of November  
21 of each odd-numbered year. Such election shall be held in conformity with  
22 title 34, Idaho Code. Before the notice of election is given, the board shall  
23 divide the district into subdivisions as nearly equal in population as pos-  
24 sible to be designated as director's subdistrict 1, 2, and 3, or director's  
25 subdistrict 1, 2, 3, 4, and 5, depending on the number of subdistricts in the  
26 district. Each nominating petition shall state the subdistrict for which  
27 the nominee is nominated.

28 (2) After the expiration of the date for filing written nominations for  
29 the office of director, if it appears that only one (1) qualified candidate  
30 has been nominated for each position to be filled and if no declaration of in-  
31 tent has been filed as provided in subsection (3) of this section, then it  
32 shall not be necessary to hold an election, and the board of directors shall,  
33 no later than seven (7) days before the scheduled date of the election, de-  
34 clare the candidate elected as director, and the secretary of the county fair  
35 district board shall immediately make and deliver to the person a certifi-  
36 cate of election.

37 (3) No write-in vote for county fair district director shall be counted  
38 unless a declaration of intent has been filed indicating that the person de-  
39 sires the office and is legally qualified to assume the duties of county fair  
40 district director if elected. The declaration of intent shall be filed with  
41 the county fair district board secretary no later than forty-five (45) days  
42 before the day of election.

43 22-1006. PERSONS WHO MAY VOTE IN ELECTION. Any person may vote at a  
44 district election who is a qualified elector as defined in section 34-104,  
45 Idaho Code, for a county fair district created pursuant to section 22-1003,  
46 Idaho Code.

1           22-1007. ORGANIZATION OF BOARD -- MEETINGS -- INSPECTION OF  
2 RECORDS. Immediately after their appointment and thereafter as required  
3 but at least after each director's election, the members of the board shall  
4 meet, organize as a board, elect and appoint the officers of the board, and  
5 designate the hour, day, and place within the district at which regular  
6 meetings of the board will be held. A special meeting may be called in writ-  
7 ing by the president or any two (2) directors and notice thereof shall be  
8 given by serving a copy of the call upon each director not joining therein at  
9 least twenty-four (24) hours prior to the meeting if served personally or by  
10 electronic mail, or at least five (5) days prior to the meeting if served by  
11 United States mail to the director's last known address. Such call and proof  
12 of service thereof shall be filed with the minutes of the special meeting.  
13 All meetings of the board shall be public. A majority of the board shall  
14 constitute a quorum. Minutes shall be kept of all meetings of the board. All  
15 records of the board shall be open to inspection by any qualified elector  
16 during business hours.

17           22-1008. OFFICERS OF BOARD. The officers of the board shall consist of  
18 a president, a vice president, a secretary, and a treasurer. The president  
19 and vice president shall be elected by the board and each shall be a direc-  
20 tor. The secretary and treasurer shall be appointed by the board and may be  
21 a director or any other person. The offices of secretary and treasurer may  
22 be filled by the same person. All officers shall serve at the pleasure of the  
23 board. Each officer shall take, subscribe, and file with the secretary an  
24 oath of office before assuming any duties. The board shall fix the compensa-  
25 tion, if any, to be paid to each officer, which shall be paid out of the funds  
26 of the district.

27           22-1009. PRESIDENT OF BOARD -- DUTIES. The president shall be the ex-  
28 ecutive officer of the district, shall preside at all board meetings, shall  
29 countersign all checks for expenditure of district funds when the expendi-  
30 ture has been legally authorized, and shall perform all other duties that  
31 are provided in this chapter to be performed by the president or that are di-  
32 rected or authorized by the board. The vice president shall act in the ab-  
33 sence of the president and shall perform all other duties that are directed  
34 or authorized by the board.

35           22-1010. SECRETARY OF BOARD -- DUTIES. The secretary shall keep cor-  
36 rect minutes of the proceedings of the board, which shall include a copy of  
37 all bills submitted, considered, allowed, or rejected. The secretary shall  
38 have custody of the records of the district, except those in the custody of  
39 the treasurer, and shall perform all other duties that are directed in this  
40 chapter to be performed by the secretary or that are directed or authorized  
41 by the board.

42           22-1011. TREASURER OF BOARD -- DUTIES. The treasurer shall have cus-  
43 tody of all funds belonging to the district, shall keep accurate accounts of  
44 all the district funds, shall keep all district funds in the banks or invest-  
45 ments designated by the board, shall have custody of the financial records  
46 of the district, shall pay out district funds only upon legally authorized

1 checks or warrants signed by the treasurer and countersigned by the presi-  
2 dent, and shall perform all other duties that are provided in this act to be  
3 performed by the treasurer or that are directed or authorized by the board.  
4 The treasurer shall also execute and file with the secretary an official bond  
5 in an amount to be fixed by the board, but the costs of the bond shall be paid  
6 from district funds.

7 22-1012. FISCAL YEAR -- AUDIT. The fiscal year of each district shall  
8 commence on the first day of October of each year. The directors shall cause  
9 a full and complete audit of the financial statements of the district as re-  
10 quired in section 67-450B, Idaho Code.

11 22-1013. LIMITATION OF POWER TO INCUR DEBT. Neither the board nor any  
12 officer shall have power to incur any debt or liability on behalf of the dis-  
13 trict, whether by issuance of bonds or otherwise, in excess of the express  
14 provisions of this chapter and any debt or liability so incurred shall be  
15 void; except that for the purpose of organization or for any of the purposes  
16 of this chapter, the board may, before making the tax levy in the fiscal year  
17 of organization, incur debts not exceeding in the total a sum equal to one-  
18 tenth of one percent (0.1%) of market value for assessment purposes of the  
19 taxable property within the district.

20 22-1014. CLAIMS AGAINST DISTRICT. All claims against the district  
21 shall be presented to the board. Upon allowance of claims by the board,  
22 payment may be ordered by warrant signed by the treasurer and countersigned  
23 by the president or by check signed by the treasurer and countersigned by  
24 the president. In the absence of sufficient funds for the payment of claims  
25 allowed, the board may, by resolution, order payment of claims by money bor-  
26 rowed by registered warrants as provided in section 31-2125, Idaho Code, or  
27 by money borrowed by issuing tax anticipation notes as provided by chapter  
28 31, title 63, Idaho Code.

29 22-1015. PURPOSE OF DISTRICT. Each district is organized for the pur-  
30 poses of acquiring, providing, maintaining, and operating county fairs.

31 22-1016. POWERS OF DISTRICT. Each district is a body politic and cor-  
32 porate and as such shall, in the name of and for the purposes of the district,  
33 have power:

34 (1) To adopt a seal that may be changed or altered at the pleasure of the  
35 board;

36 (2) To sue and be sued;

37 (3) To designate one (1) or more banks to be the official depository of  
38 the district funds as provided by law;

39 (4) To make and execute all contracts necessary or convenient;

40 (5) To acquire, hold, occupy, use, manage, possess, lease, exchange,  
41 sell and convey the property, both real and personal, as may be necessary or  
42 convenient;

43 (6) To accept gifts and donations of the property, both real or per-  
44 sonal, as may be necessary or convenient;

1 (7) To construct or erect all buildings or structures that are neces-  
2 sary or convenient;

3 (8) To cooperate with and to contract with the state and federal gov-  
4 ernments or any bureau or agency thereof and with any county, city, school  
5 district, other county fair districts, other political subdivisions, or mu-  
6 nicipal corporations to provide funds for district facilities or to provide  
7 joint facilities;

8 (9) To operate and provide all concessions necessary or convenient;

9 (10) To hire and to dismiss all necessary agents, attorneys, and other  
10 employees and to fix and pay their compensation and expenses out of the dis-  
11 trict funds;

12 (11) To require a bond for the faithful performance of their duties  
13 as the officers, agents, or employees of the district and to pay the costs  
14 thereof from district funds;

15 (12) To fix and collect fees and charges for the use of the district's  
16 facilities and to reduce or waive the same as to any person not reasonably  
17 able to pay therefor;

18 (13) To make and enforce all rules and regulations for the operation and  
19 use of the district facilities;

20 (14) To invest any funds of the district not then required for district  
21 purposes in any securities of the state or the United States or in time cer-  
22 tificates of deposit of authorized public depositories;

23 (15) To levy and apply taxes for purposes authorized by law; and

24 (16) To exercise any other powers as may be conferred by law.

25 22-1017. LEVY OF TAX. (1) The board is empowered to levy a tax for the  
26 uses and purposes of the district in an amount not exceeding the rate con-  
27 tained in the petition creating the county fair district, up to a maximum of  
28 one-tenth of one percent (0.1%) of the market value for assessment purposes  
29 on all of the taxable property within the district. If a district desires  
30 to impose a tax rate in excess of that contained in its petition, it may sub-  
31 mit the question to the electors of the district at an election held subject  
32 to the provisions of section 34-106, Idaho Code. The notice for the elec-  
33 tion shall be in similar scope to that contained in section 22-1025, Idaho  
34 Code, and shall be conducted pursuant to section 22-1026, Idaho Code. If  
35 two-thirds (2/3) of the electors voting at the election vote in favor of in-  
36 creasing the tax rate maximum, the new tax rate shall be in effect for the tax  
37 year following the election and for each succeeding tax year.

38 (2) The board shall by resolution fix the levy to be made for the dis-  
39 trict for the year and the secretary shall transmit a certified copy of the  
40 resolution to the county commissioners at the time and in the manner provided  
41 in section 63-804, Idaho Code. Such taxes shall be collected as provided in  
42 section 63-812, Idaho Code, and remitted to the treasurer of the district as  
43 provided in section 63-1202, Idaho Code.

44 22-1018. FEE IN LIEU OF TAXES. (1) The board is empowered to impose and  
45 provide for the collection of a uniform fee from the residents of the dis-  
46 trict to provide funds for the uses and purposes of the district that would  
47 otherwise be derived from the tax levy authorized in section 22-1017, Idaho

1 Code. Any fee imposed pursuant to this section shall be in lieu of and not in  
2 addition to the tax levy provided for in section 22-1017, Idaho Code.

3 (2) The fee shall be certified and collected in the same manner as the  
4 tax provided for in section 22-1017, Idaho Code.

5 22-1019. ANNEXATION OF ADDITIONAL TERRITORY. After the organization  
6 of a district, additional territory adjoining the district within the same  
7 county and not included within an already existing county fair district may  
8 be annexed to and included within the district by a two-thirds (2/3) major-  
9 ity vote of the qualified electors of the additional territory voting on the  
10 question at an election held therefor, subject to the provisions of section  
11 34-106, Idaho Code, but the additional territory shall not be annexed to and  
12 included within the district unless the annexation and inclusion are first  
13 approved by resolution of the board of the district prior to the elections  
14 on the question of annexation. The same procedure with the modifications in  
15 the form of petition, notices, ballots, etc., as may be necessary, shall be  
16 adopted as provided in section 22-1003, Idaho Code, except that no change  
17 shall be made in director's subdistricts until the next regular director's  
18 election and no appointment of any director shall be made by the board of  
19 county commissioners.

20 22-1020. DISSOLUTION OF DISTRICT -- PROCEDURE. A county fair district  
21 may be dissolved as follows:

22 (1) Any person or persons may file a petition for the dissolution of a  
23 county fair district with the clerk. Such petition shall state the name of  
24 the district and shall be signed by no less than twenty percent (20%) of the  
25 qualified electors residing within the boundaries of the district.

26 (2) Within thirty (30) days after the filing of the petition, the county  
27 commissioners shall determine whether or not the petition substantially  
28 complies with the requirements of this section. If the county commissioners  
29 find that there has not been substantial compliance with the requirements,  
30 they shall enter an order specifying the particular deficiencies and dis-  
31 missing the petition. If the county commissioners find that there has been  
32 substantial compliance with the requirements, the county commissioners  
33 shall enter an order calling an election for the dissolution of the district  
34 as provided in this section and according to section 34-106, Idaho Code.

35 (3) An election ordered by the county commissioners under this section  
36 shall be conducted and notice thereof given in accordance with the provi-  
37 sions of section 22-1003, Idaho Code.

38 (4) Immediately after the election, the judges at the election shall  
39 forward the ballots and results of the election to the clerk. The county com-  
40 missioners shall canvass the vote within ten (10) days after the election.  
41 If one-half (1/2) or more of the votes cast at the election are against the  
42 dissolution of the district, the county commissioners shall enter an order  
43 so finding and declaring that the district shall not be dissolved. If more  
44 than one-half (1/2) of the votes cast at the election are in favor of dissolv-  
45 ing the district, the county commissioners shall enter an order so finding  
46 and declaring the district duly dissolved. The county commissioners shall  
47 cause one (1) certified copy of the order to be filed in the office of the



1 county recorder of the county. Immediately upon the entry of the order, the  
2 dissolution of the district shall be complete.

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

10 (6) After the election, the validity of the proceedings hereunder shall  
11 not be affected by any defect in the petition or in the number or qualifica-  
12 tions of the signers thereof, and in no event shall any action be commenced or  
13 maintained or defense made affecting the validity of the dissolution of the  
14 district after six (6) months has expired from the date of entering the order  
15 declaring the dissolution of the district.

16 22-1021. DISSOLUTION OF INACTIVE DISTRICT. Whenever a county fair  
17 district created pursuant to this chapter has failed to exercise the powers  
18 of a district, owns no property, levies no tax, and has incurred no indebt-  
19 edness within three (3) years of the creation of the district, the district  
20 may be dissolved by order of the county commissioners. The question of dis-  
21 solution pursuant to this section shall be considered by the board of county  
22 commissioners at the first meeting of the commissioners following the second  
23 Monday in September, when, for the third consecutive year, no certification  
24 of a tax levy has been received from the county fair district. In the event of  
25 dissolution, the county commissioners shall cause one (1) certified copy of  
26 the order of dissolution to be filed in the office of the county recorder of  
27 the county. Immediately upon the entry of the order, the dissolution of the  
28 district shall be complete.

29 22-1022. LIBERAL CONSTRUCTION. The provisions of this act shall be  
30 liberally construed and applied to promote its underlying purposes and poli-  
31 cies.

32 22-1023. BOND ISSUES AUTHORIZED -- FORM AND TERMS. To carry out the  
33 purposes of this chapter and to pay the necessary expenses of the district,  
34 the board is hereby authorized to issue negotiable coupon bonds of the  
35 district. Bonds shall be due and payable serially either annually or semian-  
36 nually, commencing no later than three (3) years and extending no more than  
37 thirty (30) years from the date of issuance. The form and terms of the bonds,  
38 including provisions for the rate of interest, their payment, and redemption  
39 shall be determined by the board. If the board so determines, the bonds may  
40 be redeemable prior to maturity, upon payment of a premium not exceeding  
41 three percent (3%) of the net principal thereof. The bonds shall be executed  
42 in the name of and on behalf of the district and signed by the chairman of  
43 the board, with the seal of the district affixed thereto, and attested by  
44 the secretary of the board. The bonds shall be in denominations as the board  
45 shall determine, and the bonds and coupons thereto attached shall be payable  
46 to bearer. Interest coupons shall bear the original or facsimile signature  
47 of the chairman of the board. In other respects, the bonds shall be issued,

1 sold, and paid in accordance with the provisions of chapter 2, title 57,  
2 Idaho Code.

3 22-1024. CREATION OF INDEBTEDNESS FOR WORKS OR IMPROVEMENTS -- ELEC-  
4 TION ON PROPOSED INDEBTEDNESS. Whenever the board of a county fair district  
5 shall by resolution determine that the interest of the district and the pub-  
6 lic interest or necessity demand the acquisition, construction, installa-  
7 tion, completion, or maintenance of equipment or apparatus to carry out the  
8 objects or purposes of the district stated in section 22-1015, Idaho Code,  
9 requiring the creation of an indebtedness exceeding the income and revenue  
10 provided for the year, the board shall order the submission of the proposi-  
11 tion of issuing the obligations or bonds or creating other indebtedness to  
12 the qualified electors, at an election held for that purpose, according to  
13 the provisions of section 34-106, Idaho Code. The declaration of public in-  
14 terest or necessity required pursuant to this section and the provision for  
15 the holding of the election may be included within the same resolution, which  
16 shall recite the objects and purposes for which the indebtedness is proposed  
17 to be incurred, the estimated cost of the works or improvements, as the case  
18 may be, the amount of principal of the indebtedness to be incurred therefor,  
19 and the maximum rate of interest to be paid on the indebtedness. The reso-  
20 lutions shall also fix the date upon which the election shall be held, and  
21 the manner of holding the same, which shall be in accordance with the pro-  
22 visions of title 34, Idaho Code, and the method of voting for or against the  
23 incurring of the proposed indebtedness. The county commissioners, pursuant  
24 to section 34-302, Idaho Code, shall designate the polling place or places  
25 and the county clerk shall appoint for each polling place, from the qualified  
26 electors, the judges of the election. No district shall issue or have out-  
27 standing its coupon bonds in excess of two percent (2%) of market value for  
28 assessment purposes of the real estate and personal property within the dis-  
29 trict, according to the assessment of the year preceding the issuance of the  
30 evidence of indebtedness for any or all of the propositions specified in the  
31 election.

32 22-1025. NOTICES OF ELECTION ON PROPOSED INDEBTEDNESS. When the elec-  
33 tion is ordered to be held, subject to the provisions of section 34-106,  
34 Idaho Code, the board shall cause notices of the election to be published  
35 for the first time no less than twelve (12) days prior to the election and  
36 a second publication shall be made no less than five (5) days prior to the  
37 election, in accordance with the provisions of section 34-1406, Idaho Code.  
38 The notices shall recite the action of the board in deciding to bond the dis-  
39 trict, the purpose thereof and the amount of the bonds proposed to be issued,  
40 the estimated costs of the works or improvements as the case may be, the  
41 amount of principal of the indebtedness to be incurred therefor, and the max-  
42 imum rate of interest to be paid on the indebtedness and shall also specify  
43 the date of the election and the time during which the polls shall be open.  
44 Notices shall also name the place holding the election.

45 22-1026. CONDUCT OF ELECTION FOR PROPOSED INDEBTEDNESS. The county  
46 clerk shall conduct the election in a manner prescribed by law for the hold-  
47 ing of general elections and shall take the returns to the secretary of the

1 district at any regular or special meeting of the board held within five (5)  
2 days following the date of the election. The returns shall be canvassed and  
3 the results shall be declared.

4 22-1027. INDEBTEDNESS INCURRED UPON FAVORABLE VOTE -- RESUBMISSION OF  
5 PROPOSITION NOT RECEIVED FAVORABLY. In the event that it shall appear from  
6 the returns that a two-thirds (2/3) majority of the qualified electors of the  
7 district voting at the election shall have voted in favor of the proposition  
8 submitted hereunder at the election, the district shall thereupon be autho-  
9 rized to incur the indebtedness or obligations, enter into the contract or  
10 issue and sell bonds of the district, as the case may be, for the purposes  
11 and objects provided for in the propositions submitted hereunder and in the  
12 resolution therefor and in the amount so provided at a rate of interest not  
13 exceeding the rate of interest recited in the resolution. The submission of  
14 the proposition of incurring the obligation or bonded or other indebtedness  
15 at such an election shall not prevent or prohibit submission of the same or  
16 other propositions at a subsequent election called for such purpose at any  
17 time.

18 22-1028. SECURITY -- TAX LEVIES AND SINKING FUND. After the issuance  
19 of any bonds authorized by section 22-1027, Idaho Code, the full faith and  
20 credit of the issuing district and all taxable property within its limits,  
21 as constituted at the time the bonds are issued, are, shall be, and must con-  
22 tinue to be pledged to the full and prompt payment of the principal and inter-  
23 est thereof. Should any tax for the payment of principal and interest on any  
24 bonds issued under the provisions of this chapter at any time not be levied  
25 or collected in time to meet the payments, the payments shall be made out of  
26 other funds of the district. The governing board of the district shall levy  
27 annually in the time and manner in which other general taxes of the district  
28 are levied upon all the taxable property within its limits, in addition to  
29 all other authorized taxes and assessments, a tax or assessment sufficient  
30 to meet the payments of principal and interest on the bonds as they mature,  
31 and to constitute a sinking fund for the payment of the principal amount of  
32 the bonds and the interest thereon within no more than twenty (20) years from  
33 the time of contracting the indebtedness evidenced thereby, all in accor-  
34 dance with the provisions made for the payment of the principal and inter-  
35 est on the bonds as provided by ordinance or by resolution and as required by  
36 the constitution and laws of the state of Idaho. The taxes shall be levied,  
37 assessed, certified, extended, and collected by the proper officers at the  
38 times other taxes are levied, assessed, certified, extended, and collected  
39 in, for, and by the district and by the same officers thereof until the prin-  
40 cipal and interest of all the bonds and interest thereon shall be fully paid.  
41 All of the taxes, when collected, shall be credited by the proper receiving  
42 officers to separate funds distinct from the funds for the payment of the  
43 principal of or the interest on bonds of any other series or issue, and apart  
44 from any other funds of the district. The requirements of this section shall  
45 apply to all bonds hereafter issued by county fair districts pursuant to sec-  
46 tion 22-1027, Idaho Code.

1           22-1029. COUNTY FAIR DISTRICT RESERVE FUND. The board of any county  
2 fair district may create and establish a county fair facilities reserve fund  
3 by resolution adopted at any regular or special meeting of the board. Moneys  
4 shall be credited to said fund that accrue from taxes levied under section  
5 22-1017, Idaho Code, as provided in section 22-1030, Idaho Code, together  
6 with interest accruing from the investment of any moneys in the fund.

7           22-1030. COUNTY FAIR FACILITIES RESERVE FUND ELECTION. (1) In any  
8 county fair district in which a county fair facilities reserve fund has  
9 been created, the board may submit to the qualified electors of the district  
10 the question of applying the levy of one-tenth of one percent (0.1%) of the  
11 market value for assessment purposes on all taxable property within the dis-  
12 trict, authorized in section 22-1017, Idaho Code, or a portion thereof, to  
13 the credit of the county fair facilities reserve fund.

14           (2) The notice of the election shall state the levy rate proposed to be  
15 levied, the period of years for which the levy is proposed to be made, and the  
16 purposes for which the funds shall be used. The notice shall be given, the  
17 election shall be conducted, and the returns canvassed as provided in sec-  
18 tions 22-1024 through 22-1027, Idaho Code. The levy shall be approved only  
19 if a two-thirds (2/3) majority of the qualified voters vote in favor of the  
20 levy.

21           (3) If the question is approved, the board may make a levy in each year  
22 according to the terms so approved and may again submit the question at the  
23 expiration of the period of the levy for the levy rate and the number of years  
24 which the board may at that time determine. However, during the period ap-  
25 proved at the election, if the period is less than ten (10) years or the levy  
26 rate is less than three hundredths percent (0.03%), the board may submit to  
27 the qualified electors in the same manner as before, the question whether the  
28 number of years, or the levy rate, or both, shall be increased, but not to ex-  
29 ceed the maximum rate of one-tenth of one percent (0.1%). If the increase or  
30 increases are approved by the electors, the terms of the levy shall be in lieu  
31 of those approved in the first instance, but disapproval shall not affect any  
32 terms theretofore in effect.

33           22-1031. ADOPTION OF BUDGET -- PUBLIC HEARING. A board shall adopt a  
34 budget and cause a public hearing to be held upon the budget prior to certify-  
35 ing a tax levy to a board of county commissioners.

36           22-1032. NOTICE OF HEARING -- POSTING AND PUBLICATION. Notice of the  
37 budget hearing meeting shall be posted at least ten (10) full days prior to  
38 the date of the meeting in at least one (1) conspicuous place in each county  
39 fair district to be determined by the board. A copy of the notice shall also  
40 be published in a daily or weekly newspaper published within the county fair  
41 district, in one (1) issue thereof, during the ten (10) day period. The  
42 place, hour, and day of the hearing shall be specified in the notice, as well  
43 as the place where the budget may be examined prior to the hearing. A full and  
44 complete copy of the proposed budget shall be published with and as a part of  
45 the publication of the notice of hearing.

1           22-1033. PUBLIC INSPECTION. The budget shall be available for public  
2 inspection from and after the date of the posting of notices of hearing as  
3 provided in this chapter, at the place and during the business hours as the  
4 board may direct.

5           22-1034. BOARD ATTENDANCE -- DUTIES. A quorum of the board of the  
6 county fair district shall attend the hearing and explain the proposed bud-  
7 get and hear any and all objections thereto.

8           22-1035. RELATION TO OTHER COUNTY FAIR BOARDS OR DISTRICTS. This chap-  
9 ter shall not be construed to replace, supplant, or apply to any existing  
10 county fair boards established pursuant to chapter 2, title 22, Idaho Code,  
11 nor any multicounty fair districts established pursuant to chapter 3, title  
12 22, Idaho Code.