

Idaho Statutes

TITLE 31 COUNTIES AND COUNTY LAW CHAPTER 41 TELEVISION TRANSLATOR STATIONS

31-4101. DEFINITIONS. As used in this act the term:

1. "Service unit" means any structure inhabited by human beings for dwelling purposes and shall include each home, each apartment within a structure, and each unit within a motel or hotel structure or complex and shall include any establishment which sells, rents, leases to or maintains on the premise for the enjoyment of their customers electronic equipment which receives translator signals.

2. "Translator" means any facility within this state which is operated to receive and amplify the signals broadcast by one or more television stations and redistribute the signals by appropriate broadcasting means but shall not include redistribution of signals by wire or cable.

31-4102. TRANSLATOR DISTRICT -- PURPOSES. The purposes of a translator district shall be to serve the public interest, convenience, and necessity in the construction, maintenance and operation of translator stations and any system necessary thereto by appropriate electronic means for television program distribution, but the purposes are not meant to include the construction or operation of community antenna systems, commonly known and referred to as cable TV systems. Translator districts organized prior to January 1, 1977, may, in addition to other powers conferred by this chapter, receive and broadcast FM radio signals by appropriate electronic means.

31-4103. ORGANIZATIONAL AREA. Any area of the state may organize as a translator district for the performance of functions provided for in this act.

31-4104. DISTRICT AREA. A translator district may include a part or all of any county or may include areas in more than one (1) county and may include any municipality located within the county or counties.

31-4105. PETITION TO FORM DISTRICT. A petition to form a district shall be presented to the county clerk and recorder of each of the counties in which any portion of the area is situated. Petitions shall be signed by a number of not less than sixty per cent (60%) of the resident real property owners within the proposed district. The petition shall state the objects of the district and designate the boundaries thereof by section, the approximate number of service units to be benefited thereby and shall contain a brief description of the proposed system including type of construction, location, approximate cost of the installation. The petition shall also state that the proposed district will be conducive to the public interest, convenience and necessity. It shall request that the area described within the petition be organized as a translator district.

31-4106. FILING OF PETITION. The petition shall be filed with the county clerk and recorder of all counties in which the signers on the petition are located. If the petition is filed with more than one (1) county clerk and recorder each petition shall state the number of signing petitioners and the name of the county where the greater number of petitioners reside. Upon the filing of the petition or petitions the county clerk and recorder shall examine the petition and certify whether the required number of petitioners have signed the petition. In the event more than one (1) county is involved, the county or counties that have the fewer number of petitioners shall transmit the petition to the county clerk and recorder of the county containing the greater number of petitioners. The county clerk and recorder in the

county containing the greater number of petitioners, shall, within thirty (30) days following the receipt of the petitions, transmit the petitions to the board of county commissioners of the county in which the greatest number of petitioners reside, together with his certificate, and the certificates of any other county clerk and recorder as to the sufficiency of the petition.

31-4107. NOTICE -- TEXT OF PETITION PUBLISHED IN NEWSPAPER -- SPONSORS PAY COST. Upon receipt of a duly certified petition the board of county commissioners shall cause the text of the petition to be published once a week for at least three (3) consecutive weeks in a newspaper of general circulation within the county where the petition is presented. If any portion of the proposed district lies in another county the petition and notice shall likewise be published in that county. No more than five (5) names attached to the petition shall appear in the publication and notice but the number of signatures shall be stated. With the publication of the petition there shall be published a notice of the time of the meeting of the county commissioners when the petition will be considered stating that all persons interested may appear and be heard.

At the time of filing the petition the sponsors thereof shall cause to be deposited with the county clerk and recorder a sufficient sum of money to cover the cost of publication of all necessary notices. If the notices are not published the deposit shall be returned to whomsoever deposited the funds and if there is any surplus remaining after paying for the publication as herein provided it shall be returned to the original depositor or depositors and if a district is created the fees so expended are an obligation of the district and shall be repaid by the district to the depositors.

31-4108. HEARING -- RESOLUTION ADOPTED -- DESCRIPTION AND FINDING. At the time set for hearing the petition or petitions the board of county commissioners shall hear all persons who desire to be heard relative to the creation of a translator district. The board of county commissioners may, if they so desire and it appears to be desirable, adjourn the meeting for not to exceed thirty (30) days in time to further hear the petitioners and protestants, if any. After the hearing or hearings the board of county commissioners shall adopt a resolution either creating the proposed translator district or denying the petition. When the board of county commissioners creates the translator district they shall adopt a resolution describing the proposed system and describing the boundaries of the district, including type of construction, location, type and approximate cost of the installation and finding that the district will be conducive to the public interest and convenience and thereby the district shall be created.

31-4109. NAME OF DISTRICT -- FILED WITH COUNTY CLERK -- FEES. When the board of county commissioners passes the resolution creating the district they shall name the district "Translator District" and file a copy of the order creating the district, if only one (1) county is included therein, with the county clerk and recorder for which the county clerk and recorder shall receive a fee of three dollars (\$3.00) and if portions of more than one (1) county are included in the district a copy of the order shall be filed in each county and with the secretary of state for which he shall receive a fee of five dollars (\$5.00).

31-4110. BOARD OF TRUSTEES -- APPOINTMENT -- TERM. The board of county commissioners, on the creation of the district, and as part of the order creating the district, shall appoint a board of not less than five (5) nor more than nine (9) trustees to administer the affairs of the district. Each of the trustees shall be a resident real property owner from within the translator district. The trustees appointed at the time of the creation of the district shall be appointed for staggered terms of one (1), two (2), and three (3) years in the discretion of the board of county commissioners and if more than one (1) county is involved, at least one (1) of the trustees shall be appointed from each county or portion

of county included within the district. The trustees appointed at the time of formation of the district shall hold office for the term of their respective appointment or until his successor is appointed and qualified; at the end of the respective terms of the trustee, the then board of county commissioners shall appoint a new trustee for a three (3) year term, and in the event of a vacancy by death, resignation, removal from the district or otherwise, a trustee shall be appointed by the board of county commissioners to fill the vacancy to the end of the term of the trustee causing the vacancy.

There is no 31-4111 listed in these statutes

31-4112. BUDGET -- SPECIAL ASSESSMENT. The board of trustees shall, from the list prepared by the county assessor or assessors, remove therefrom the names of any persons and their property who have claimed exemption under this act and shall prepare a budget for the expenses for the next year, the budget together with the list of real property owners within the district and the number of service units located on each parcel of real property subject to the special assessment after all exemptions have been allowed as provided in this act shall be presented by September first to the board or boards of county commissioners of the counties, in whole or in part within the district, who shall levy the assessment on service units found within their county as requested by the trustees; provided however, the assessment shall not exceed the sum of thirty dollars (\$30.00) per annum per service unit and in the event there is more than one (1) service unit located upon the parcel of real property, for example, but not limited to, a motel, hotel, or apartment structure or complex, the second and all subsequent service units' assessments shall be at the rate of twenty per cent (20%) of the assessment made for that year on the first service unit assessed. The board of county commissioners shall levy the assessment in accordance with the request herein mentioned and the assessment shall be certified and collected in the same manner provided by law for the collection of real property taxes.

31-4113. TREASURER FOR DISTRICT -- HANDLING OF FUNDS -- QUALIFICATION AND DUTY. The board of trustees of the district shall appoint a treasurer, who may be bonded, to receive funds paid over by the county treasurer to the treasurer of the television translator district, who shall deposit the same in a bank and be handled in the manner prescribed by the state depository law and all other funds received by or on behalf of the district, shall be deposited by the treasurer to the credit of the district funds.

31-4114. POWERS AND DUTIES. A translator district organized under this act, acting through its board of trustees may:

a. Perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, and equitable distribution of television services within the area in order that all persons within the service area shall be supplied by means of an appropriate electrical or electronic system for television program distribution, but may not perform any acts or take any steps to construct or operate community antenna systems, commonly known and referred to as cable TV systems; the authorized system to provide such flexibility as to permit improvements in technical quality;

b. If necessary or proper in the furtherance of the objects of this act, acquire, build, construct, repair, own, maintain and operate any necessary stations transmitting simultaneous signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary;

c. Make contracts to compensate any owner of land or other property for the use of such property for the purposes of this act;

- d. Make contracts with the United States, or any state, municipality or any department or agency of those entities for carrying out the general purposes for which the district is formed;
- e. Acquire by gift, devise, bequest, lease, purchase, or eminent domain real and personal property, tangible or intangible, including lands, rights of way and easements, necessary or convenient for its purposes;
- f. To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this act;
- g. Prescribe assessment rates for the providing of services throughout the area in accordance with the provisions of this act;
- h. And, apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

31-4115. EXPENSES -- LIMITATION. Each translator district shall be liable for and shall pay to each county in which they are situated, the actual expense to the county in performing the duties required by its officers under the provisions of this act; in no event shall this amount exceed ten per cent (10%) of the amount of assessments collected in the county.

31-4116. COMPENSATION. The board of trustees of the district shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the operation of the translator district.

31-4117. EXEMPTIONS FROM TAX ASSESSMENT. The real property owners of service units within the translator district who do not receive the signal of the translator station or who receive direct reception from the station from which the translator repeats a signal or receive service through the medium of a community antenna system on which they are subscribers in good standing, shall be exempt from the payment of the tax for the support of the translator district provided they file an affidavit setting forth any of the grounds above mentioned. The affidavit shall be filed with the board of trustees who shall upon the receipt of the affidavit have the names of the persons and their property, so exempted from the assessment, stricken from the list certified to the board of county commissioners and shall not be liable for the assessment. This exemption shall only be effective as long as the property owner filing the affidavit continues to meet the above stated grounds for exemption.

31-4118. MEETINGS -- OPEN TO PUBLIC -- PLACE. The board of trustees shall meet once a month at a regular time and place to transact the business of the district, the time and place to be fixed by the trustees and any change in the time and place of meetings shall be given by publication of notice in a newspaper most likely to give notice to the taxpayers within the district. All the meetings shall be open in their entirety to the public and all meetings shall be held at some place within the area of the television district.

31-4119. FRAUDULENT EXEMPTION CLAIM -- PENALTY. Any person or persons who shall make a false or fraudulent claim for exemption as provided in this act shall be guilty of a misdemeanor.

31-4120. PETITION FOR ABANDONMENT -- ASSETS DEPOSITED IN COUNTY GENERAL FUND. If at any time a petition for abandonment of the translator district, signed by not

less than sixty per cent (60%) of the resident owners of real property within the district, is filed with the board of trustees, the board of trustees shall forthwith notify the board or boards of county commissioners which created the district, and the board or boards of county commissioners shall by resolution immediately declare the district abandoned. All properties and moneys remaining after the satisfaction of all debts and obligation of the abandoned district shall be deposited to the credit of the general fund of the county; and if the abandoned district embraced areas in more than one (1) county, properties and moneys remaining after the satisfaction of all debts and obligation of the abandoned district shall be deposited to the credit of the general funds of the counties in proportion to the number of living units in each county which were served by the district.

31-4121. ALTERATION AND ANNEXATION OF TRANSLATOR DISTRICT

BOUNDARIES -- PROCEDURE. The boundaries of a translator district created by authority of this act, may be altered and outlying areas be annexed from territory contiguous to the district in the following manner:

- a. A petition shall be signed by resident real property owners within the proposed area, equal in number to not less than sixty per cent (60%), within the area to be annexed;
- b. The petition shall designate the boundaries of the contiguous area to be annexed and ask that it be annexed to the existing translator district;
- c. The petition shall be transmitted to the clerk and recorder and the hearing and notice thereof shall be the same as provided by sections 6 through 8 [sections 31-4106 through 31-4108] of this act;
- d. After the hearing the board of county commissioners shall adopt a resolution either annexing the area to the existing television district or denying the petition.