

IN THE SENATE

SENATE BILL NO. 1046

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1309, IDAHO CODE, TO RE-  
2 VISE PROVISIONS REGARDING THE SALE OR DISPOSAL OF PERSONAL OR REAL PROP-  
3 ERTY.  
4

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

6 SECTION 1. That Section 40-1309, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 40-1309. CORPORATE POWERS OF HIGHWAY DISTRICTS. Each highway district  
9 has power:

10 (1) To sue and be sued.

11 (2) To purchase and hold lands, make contracts, purchase and hold per-  
12 sonal or real property as may be necessary or convenient for the purposes of  
13 this chapter, and to sell and exchange any real or personal property other  
14 than public lands which by the constitution and laws of the state are placed  
15 under the jurisdiction of the state land board. Personal or real property,  
16 no longer useful to the district, not exceeding five ten thousand dollars  
17 (\$510,000) in value may be sold by the highway commissioners at a private  
18 sale or at any regular board meeting without advertisement. Before dis-  
19 posing of all other personal or real property exceeding five ten thousand  
20 dollars (\$510,000) in value, the highway district commissioners shall first  
21 conduct a public hearing for which notice shall be published in accordance  
22 with the provisions of section 40-206, Idaho Code, and at which hearing  
23 any person interested may appear and show cause that such personal or real  
24 property is still useful to the district and that the sale or exchange should  
25 not be made. Following testimony by all interested persons at the public  
26 hearing, the highway district commissioners may adopt a resolution finding  
27 that such personal or real property is no longer useful to the district and  
28 finding that such personal or real property should be sold or exchanged and  
29 establishing procedures for the sale of such personal or real property in-  
30 cluding, but not limited to, the date and time of the sale and whether the  
31 sale will be by live public auction, by receipt of sealed bids or by some  
32 other reasonably commercial means. The hearing and sale or exchange shall  
33 not be conducted at the same regular meeting and, except as otherwise pro-  
34 vided by law, the only notice required for such sale or exchange shall be  
35 as set forth in section 74-204, Idaho Code. Provided however, that before  
36 the district disposes of surplus real property at public sale, the district  
37 shall first notify any person who owns real property that is contiguous with  
38 the surplus real property of the district that such person has first option  
39 to purchase the surplus real property for an amount not less than the current  
40 appraised value. If more than one (1) adjoining owner wants to purchase  
41 the surplus real property, a private auction shall be held for such par-  
42 ties. If no owner of adjoining property exercises his or her option to buy,

1 the district may proceed to public sale. Highway district commissioners,  
2 highway directors, employees, and their families must be personally disin-  
3 terested, directly or indirectly, in the purchase of property for the use of  
4 the highway district, or in the sale of any property belonging to the highway  
5 district, or in any contract made by the highway district or other person on  
6 behalf of the highway district unless otherwise authorized by law.

7 (3) To levy and apply ad valorem taxes for purposes under its exclusive  
8 jurisdiction as are authorized by law.