

IN THE SENATE

SENATE BILL NO. 1356

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1309, IDAHO CODE, TO RE-  
VISE PROVISIONS RELATING TO THE CORPORATE POWERS OF HIGHWAY DISTRICTS.

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

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

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

(1) To sue and be sued.

(2) To purchase and hold lands, make contracts, purchase and hold per-  
sonal or real property as may be necessary or convenient for the purposes of  
this chapter, and to sell and exchange any real or personal property other  
than public lands which by the constitution and laws of the state are placed  
under the jurisdiction of the state land board. Personal or real prop-  
erty, no longer useful to the district, not exceeding five thousand dollars  
(\$5,000) in value may be sold by the highway commissioners at a private sale  
or at any regular board meeting without advertisement. Before disposing of  
all other personal or real property exceeding five thousand dollars (\$5,000)  
in value, the highway district commissioners shall first ~~adopt a resolution~~  
~~finding that all other such personal or real property to be sold or exchanged~~  
~~is no longer useful to the district; that~~ conduct a public hearing ~~is to be~~  
~~held, of for which hearing~~ notice shall be published in accordance with the  
provisions of section 40-206, Idaho Code, and at which hearing any person  
interested may appear and show cause that such personal or real property  
is still useful to the district and that the sale or exchange should not be  
made. Following testimony by all interested persons at the public hearing,  
the highway district commissioners may adopt a resolution finding that such  
personal or real property is no longer useful to the district and finding  
that such personal or real property should be sold or exchanged and estab-  
lishing procedures for the sale of such personal or real property including,  
but not limited to, the date and time of the sale and whether the sale will  
be by live public auction, by receipt of sealed bids or by some other rea-  
sonably commercial means. The hearing and sale or exchange shall not be  
conducted at the same regular meeting and, except as otherwise provided by  
law, the only notice required for such sale or exchange shall be as set forth  
in section 67-2343, Idaho Code. Provided however, that before the dis-  
trict disposes of surplus real property at public sale, the district shall  
first notify any person who owns real property that is contiguous with the  
surplus real property of the district that such person has first option to  
purchase the surplus real property for an amount not less than the appraised  
value. If more than one (1) adjoining owner wants to purchase the surplus  
real property, a private auction shall be held for such parties. If no owner

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

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