

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 202, As Amended in the Senate

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1420, IDAHO  
2 CODE, TO PROVIDE REQUIREMENTS RELATING TO ASSESSING THE VALUE OF CER-  
3 TAIN PERSONAL PROPERTY, TO PROVIDE REQUIREMENTS FOR THE SALE OF CERTAIN  
4 PERSONAL PROPERTY, TO PROVIDE THAT CERTAIN INDIVIDUALS ARE NOT ELIGIBLE  
5 TO ACQUIRE CERTAIN PERSONAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.  
6

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

8 SECTION 1. That Section 31-1420, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 31-1420. PROCEDURE FOR SALE, CONVEYANCE AND DISPOSITION OF PROP-  
11 ERTY. Real or personal property of a fire protection district may be sold,  
12 conveyed, and disposed of by its board of commissioners whenever the board  
13 finds and by resolution declares that the district no longer has use there-  
14 for, subject to the following procedure:

15 (1) If in the opinion of the board, any such personal property does not  
16 exceed ten thousand dollars (\$10,000) in value, the same may be sold without  
17 independent appraisal valuations, notice, or competitive bids.

18 (2) If in the opinion of the board any such personal property exceeds  
19 ten thousand dollars (\$10,000) in value, then the board shall select two (2)  
20 individuals independent of the board who have the knowledge and expertise to  
21 determine the value of the personal property to assess the value of the prop-  
22 erty. The property may then be sold at public or private sale to the highest  
23 bidder for cash at not less than its minimum valuation, after due notice. If  
24 the property cannot be sold for the minimum valuation after reasonable ef-  
25 forts have been made, the board may then sell the property for adequate and  
26 valuable consideration as determined by the board. Any individual selected  
27 by the board to assess the value of personal property shall not be eligible to  
28 acquire that property.

29 (3) All such real property, and any such personal property that the  
30 board determines to exceed ten thousand dollars (\$10,000) in value, shall be  
31 appraised by a certified appraiser who shall be selected by the board. It  
32 may then be sold at public or private sale to the highest bidder for cash at  
33 not less than its appraised value, after due notice. If the property cannot  
34 be sold for the appraised value after reasonable efforts have been made, the  
35 board may then sell the property for adequate and valuable consideration as  
36 determined by the board.

37 (34) Due notice of sale shall be accomplished if the notice shall  
38 describes the property to be sold (legal description, if real property),  
39 states the appraised value thereof (by separate items, if so appraised), and  
40 specify specifies the time, place, and conditions of sale.

1           (45) ~~Said~~ The notice shall be published in a newspaper having general  
2 circulation in the district at least twice, the first publication thereof to  
3 be not less than fifteen (15) days preceding the day of sale.

4           (56) If such property is sold on terms, the board may contract for the  
5 sale of the same for a period of years not exceeding ten (10) years, with an  
6 annual rate of interest on all deferred payments not to exceed twelve percent  
7 (12%) per annum. The title to all property sold on contract shall be retained  
8 in the name of the district until full payment has been made by the purchaser.  
9 Any property sold by the board under the provisions of this section, either  
10 for cash or on contract, shall be assessed by the county assessor in the same  
11 manner and upon the same basis of valuation as though the purchaser held a  
12 record title to the property so sold. The board shall have authority to can-  
13 cel any contract of sale, pursuant to law, if the purchaser shall fail to  
14 comply with any of the terms of such contract, and retain all payments paid  
15 thereon. The board may by agreement with the purchaser modify or extend any  
16 of the terms of any contracts of sale, but the total period of years shall not  
17 exceed ten (10) years.

18           (67) Upon final payment pursuant to the sale of such real property, the  
19 president and secretary, pursuant to resolution of the board, shall duly ex-  
20 ecute and deliver an appropriate deed to the purchaser, and upon the accom-  
21 plishment of the sale of such personal property, the president and secre-  
22 tary, pursuant to resolution of the board, shall duly execute and deliver an  
23 appropriate bill of sale to the purchaser.

24           (78) In addition to any other powers granted by law, the board of fire  
25 commissioners may, at their discretion, grant to or exchange with the fed-  
26 eral government, the state of Idaho, any political subdivision, or taxing  
27 district of the state of Idaho, with or without compensation, any real or  
28 personal property or any interest in such property owned by the fire district  
29 or acquired by tax deed, after adoption of a resolution that the grant or ex-  
30 change of property is in the public interest. Such resolution may be made at  
31 any regularly or specially scheduled meeting of the board. Notice of such  
32 grant or exchange shall be made in the same manner as set forth in subsections  
33 (34) and (45) of this section. The fire protection district's execution and  
34 delivery of the deed conveying an interest in the property shall operate to  
35 discharge and cancel all levies, liens and taxes made or created for the ben-  
36 efit of the fire protection district and to cancel all titles or claims of ti-  
37 tle including claims of redemption to such real property asserted or exist-  
38 ing at the time of such conveyance.