

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 444

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO COUNTY PROPERTY; AMENDING SECTION 31-808, IDAHO CODE, TO REVISE
2 A PROVISION REGARDING A SALE, EXCHANGE, OR DONATION OF COUNTY PROPERTY;
3 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

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

6 SECTION 1. That Section 31-808, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 31-808. SALE OF COUNTY PROPERTY -- GENERAL PROCEDURE -- SALE OF PROP-
9 erty ACQUIRED THROUGH TAX DEED -- PROCEDURE AFTER ATTEMPTED AUCTION -- EX-
10 CHANGE OF COUNTY PROPERTY -- SALE OF CERTAIN ODD-LOT PROPERTY -- SALE, EX-
11 CHANGE OR DONATION OF PROPERTY TO OTHER UNITS OF GOVERNMENT. (1) A board of
12 county commissioners shall have the power and authority to sell or offer for
13 sale at public auction any real or personal property belonging to the county
14 not necessary for its use. However, personal property not exceeding two hun-
15 dred fifty dollars (\$250) in value may be sold at private sale without no-
16 tice or public auction. Prior to offering the property for sale, the board
17 of county commissioners shall advertise notice of the auction in a newspa-
18 per, as defined in section 60-106, Idaho Code, either published in the county
19 or having a general circulation in the county, not less than ten (10) cal-
20 endar days prior to the auction. If the property to be sold is real prop-
21 erty, the notice to be published shall contain the legal description as well
22 as the street address of the property. If the property is outside the corpo-
23 rate limits of a city and does not have a street address, then the description
24 shall also contain the distance and direction of the location of the real
25 property from the closest city.

26 If the property to be sold is acquired by tax deed, the notice required
27 to be published shall include, next to the description of the property, the
28 name of the taxpayer as it appears in the delinquent tax certificate upon
29 which the tax deed was issued. The property shall be sold to the highest bid-
30 der. However, the board of county commissioners shall set the minimum bid
31 for the tax deeded property to include all property taxes owing, interest and
32 costs but they may reserve the right to reject any and all bids and shall have
33 discretionary authority to reject or accept any bid which may be made for an
34 amount less than the total amount of all delinquent taxes, late charges, in-
35 terest and costs, including other costs associated with the property, ad-
36 vertising, and sale, which may have accrued against any property so offered
37 for sale, including the amount specified in the tax deed to the county. Such
38 action by the board in setting the minimum bid shall be duly noted in their
39 minutes. Failure to do so shall not invalidate a sale. For tax deeded prop-
40 erty, the board of county commissioners shall conduct an auction no later
41 than fourteen (14) months from the issuance of the tax deed.

1 (2) (a) Proceeds from the sale of county property not acquired by tax
2 deed shall be paid into the county treasury for the general use of the
3 county.

4 (b) If the property to be sold has been acquired by tax deed, pursuant
5 to the provisions of chapter 10, title 63, Idaho Code, the proceeds from
6 the sale, after payment of all delinquent taxes, late charges, inter-
7 est and costs, including the cost for maintaining the property, shall
8 be apportioned by the board of county commissioners to parties in inter-
9 est as defined in section 63-201, Idaho Code, and then to the owner(s) of
10 record of such property at the time the tax deed was issued on the prop-
11 erty.

12 (c) Once such tax deeded property has been sold, the board of county
13 commissioners shall within thirty (30) days notify all parties in in-
14 terest of such sale and the amount of the excess proceeds. Such parties
15 in interest shall respond to the board of county commissioners, within
16 sixty (60) days of receiving such notice, making claim on the proceeds.
17 No responses postmarked or received after the sixtieth day shall be ac-
18 cepted. Within sixty (60) days of the date a claim on the proceeds is
19 due, the board of county commissioners shall make payment to parties in
20 interest in priority of the liens pursuant to law or shall transfer the
21 funds to the state treasurer as set forth in paragraph (d) of this sub-
22 section. All funds available after payment to parties in interest shall
23 be returned to the owner(s) of record of the property at the time the tax
24 deed was issued. All costs associated with the compliance of this sec-
25 tion shall be deducted from any amounts refunded to the parties in in-
26 terest or owner(s) of record or transferred to the state treasurer.

27 (d) With the consent of the state treasurer, the board of county com-
28 missioners may transfer funds to be paid to parties in interest or the
29 owner(s) of records pursuant to paragraph (c) of this subsection to
30 the state treasurer. Upon transfer, the board of county commissioners
31 shall immediately notify by first-class mail all parties that submit-
32 ted a claim on the proceeds and the owner(s) of record of the transfer.
33 The board of county commissioners shall provide such information to
34 the state treasurer concerning the claims and the proceeds as the state
35 treasurer shall reasonably request. The state treasurer shall keep and
36 distribute the proceeds in accordance with chapter 5, title 14, Idaho
37 Code.

38 (3) Any property sold may be carried on a recorded contract with the
39 county for a term not to exceed ten (10) years and at an interest rate not to
40 exceed the rate of interest specified in section 28-22-104(1), Idaho Code.
41 The board of county commissioners shall have the authority to cancel any con-
42 tract if the purchaser fails to comply with any of the terms of the contract
43 and the county shall retain all payments made on the contract. The title to
44 all property sold on contract shall be retained in the name of the county
45 until full payment has been made by the purchaser. However, the purchaser
46 shall be responsible for payment of all property taxes during the period of
47 the contract.

48 (4) Any sale of property by the county shall vest in the purchaser all
49 of the right, title and interest of the county in the property, including all
50 delinquent taxes that have become a lien on the property since the date of

1 issue of the tax deed, if any, but excluding easements, highways, and rights-
2 of-way owned by the county, unless expressly conveyed.

3 (5) In addition to the purchase price, a purchaser of county property,
4 including property acquired by tax deed, shall pay all fees required by law
5 for the transfer of property. No deed for any real estate purchased pursuant
6 to the provisions of this section shall be delivered to a purchaser until
7 such deed has been recorded in the county making the sale.

8 (6) Should the county be unable to sell at a public auction any real or
9 personal property belonging to the county, including property acquired by
10 tax deed, it may sell the property without further notice by public or pri-
11 vate sale upon such terms and conditions as the county deems necessary. Dis-
12 tribution of the proceeds of sale shall be as set forth in subsection (2) of
13 this section.

14 (7) The board of county commissioners may at its discretion, when in the
15 county's best interest, exchange and do all things necessary to exchange any
16 of the real property now or hereafter held and owned by the county for real
17 property of equal value, public or private, to consolidate county real prop-
18 erty or aid the county in the control and management or use of county real
19 property.

20 (8) The board of county commissioners may, by resolution, declare cer-
21 tain parcels of real property as odd-lot property, all or portions of which
22 are not needed for public purposes and are excess to the needs of the county.
23 For purposes of this subsection, odd-lot property is defined as that prop-
24 erty that has an irregular shape or is a remnant and has value primarily to
25 an adjoining property owner. Odd-lot property may be sold to an adjacent
26 property owner for fair market value that is estimated by a land appraiser
27 licensed to appraise property in the state of Idaho. If, after thirty (30)
28 days' written notice, an adjoining property owner or owners do not desire to
29 purchase the odd-lot property, the board of county commissioners may sell
30 the property to any other interested party for not less than the appraised
31 value. When a sale of odd-lot property is agreed to, a public advertisement
32 of the pending sale shall be published in one (1) edition of the newspaper as
33 defined in subsection (1) of this section, and the public shall have fifteen
34 (15) days to object to the sale in writing. The board of county commissioners
35 shall make the final determination regarding the sale of odd-lot property in
36 an open meeting.

37 (9) In addition to any other powers granted by law, the board of county
38 commissioners may at their discretion, grant to or exchange with the federal
39 government, the state of Idaho, any political subdivision or taxing district
40 of the state of Idaho or any local historical society which is incorporated
41 as an Idaho nonprofit corporation which operates primarily in the county or
42 maintains a museum in the county, with or without compensation, any real or
43 personal property or any interest in such property owned by the county ~~or~~,
44 excluding such property acquired by tax deed on or after July 1, 2024, af-
45 ter adoption of a resolution by the board of county commissioners that the
46 grant or exchange of property is in the public interest. Notice of such grant
47 or exchange shall be as provided in subsection (1) of this section and the
48 decision may be made at any regularly or specially scheduled meeting of the
49 board of county commissioners. The execution and delivery by the county of
50 the deed conveying an interest in the property shall operate to discharge

1 and cancel all levies, liens and taxes made or created for the benefit of the
2 state, county or any other political subdivision or taxing district and to
3 cancel all titles or claims of title including claims of redemption to such
4 real property asserted or existing at the time of such conveyance. However,
5 if the property conveyed is subject to a lien for one (1) or more unsatisfied
6 special assessments, the lien shall continue until all special assessments
7 have been paid in full. At no time shall a lien for a special assessment be
8 extinguished prior to such special assessment having been paid in full. Any
9 property conveyed to any local historical society by the county shall revert
10 to the county when the property is no longer utilized for the purposes for
11 which it was conveyed.

12 (10) When the county has title to mineral rights severed from the prop-
13 erty to which they attach, and the mineral rights have value of less than
14 twenty-five dollars (\$25.00) per acre, the board of county commissioners may
15 act to return the mineral rights to the land from which they were severed in
16 the following manner: the proposed action must appear on the agenda of a reg-
17 ular meeting of the board of county commissioners; and the motion to make the
18 return must be adopted unanimously by the board voting in open meeting.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2024.