

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 8
POWERS AND DUTIES OF BOARD OF COMMISSIONERS

31-801. GENERAL POWERS AND DUTIES. The boards of county commissioners in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law.

[(31-801) R.S., sec. 1759; R.C., sec. 1917; am. 1913, ch. 143, sec. 1, p. 506; compiled and reen. C.L., sec. 1917; C.S., sec. 3415; I.C.A., sec. 30-701; am. 1989, ch. 73, sec. 1, p. 117.]

31-802. SUPERVISION OF COUNTY OFFICERS. To supervise the official conduct of all county officers, and appointed boards or commissions of the county charged with assessing, collecting, safekeeping, management or disbursement of the public moneys and revenues; see that they faithfully perform their duties; direct prosecution for delinquencies; approve the official bonds of county officers, and when necessary, require them to make reports, and to present their books and accounts for inspection.

[(31-802) R.S., sec. 1759; R.C., sec. 1917a, as added by 1913, ch. 143, sec. 2, p. 506; reen. C.L., sec. 1917a; C.S., sec. 3416; I.C.A., sec. 30-702; am. 1989, ch. 73, sec. 2, p. 118.]

31-803. DIVISION OF COUNTY INTO DISTRICTS. To divide the counties into election precincts, road and other districts required by law, change the same and create others, as convenience requires.

[(31-803) R.S., sec. 1759; R.C., sec. 1917b, as added by 1913, ch. 143, sec. 2, p. 506; reen. C.L., sec. 1917b; C.S., sec. 3417; am. 1931, ch. 51, sec. 1, p. 85; I.C.A., sec. 30-703; am. 1970, ch. 120, sec. 1, p. 284; am. 1989, ch. 73, sec. 3, p. 118.]

31-804. SUPERVISION OF ELECTIONS. (1) The board of county commissioners must establish, abolish and change election precincts and canvass all election returns.

(2) The board must provide all poll lists, poll books, blank returns and certificates, proclamations of election and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

[(31-804) R.S., sec. 1759; R.C., sec. 1917c, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917c; C.S., sec. 3418; I.C.A., sec. 30-704; am. 1982, ch. 77, sec. 1, p. 145; (sec. 31-843 combined in sec. 31-804, 1989, ch. 73; 1885, p. 106, sec. 12; R.S., sec. 1763; am. R.C., sec. 1918; reen. C.L., sec. 1918n; C.S., sec. 3450; I.C.A., sec. 30-741); am. and redesi. 1989, ch. 73, sec. 4, p. 118.]

31-805. SUPERVISION OF ROADS, BRIDGES, AND FERRIES. The board shall lay out, maintain, control and manage public roads, turnpikes, ferries and bridges within the county, and levy such tax therefor as authorized by law;

provided that the board need not lay out, maintain, control, and manage public roads, turnpikes, ferries, and bridges inside the boundaries of a highway district formed pursuant to [title 40](#), Idaho Code.

[(31-805) R.S., sec. 1759; R.C., sec. 1917d, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917d; C.S., sec. 3419; I.C.A., sec. 30-705; am. 1989, ch. 74, sec. 4, p. 129.]

31-806. ACQUISITION OF PROPERTY FOR PARK OR RECREATIONAL PURPOSES -- DEDICATION -- EMINENT DOMAIN. The board of county commissioners of each county in this state may purchase, lease, obtain by gift or accept by grant from private persons, corporations, the United States, the state of Idaho or other governmental agencies, real or personal property, within or without its territorial limits, and may hold, maintain, improve and operate the same for the use and purpose of a public park or public recreation, and it may dedicate property already owned by the county to a like purpose. This section shall not affect the right of a county to acquire property by proceedings in eminent domain.

[31-806 added 1996, ch. 98, sec. 16, p. 398.]

31-807. MANAGEMENT OF COUNTY PROPERTY. A board of county commissioners shall have the power and authority to purchase, receive by donation, or lease any real or personal property necessary for the use of the county; preserve, take care of, manage and control the county property, but no purchase of real property must be made unless the value of the same has been previously estimated by a real estate appraiser licensed to appraise real property in the state of Idaho pursuant to the provisions of [chapter 41, title 54](#), Idaho Code, and no more than the appraised value must be paid therefor. However, if the county assessor determines that the value of the real property is five thousand dollars (\$5,000) or less, then the appraisal provided in this section shall not be required.

[(31-807) R.S., sec. 1759; R.C., sec. 1917g, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917g; C.S., sec. 3422; I.C.A., sec. 30-707; am. 1999, ch. 215, sec. 1, p. 573.]

31-807A. COMMISSIONERS MUST BE DISINTERESTED. No member of the board must be interested, directly or indirectly, in property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board or other person on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for other purposes unless otherwise authorized by law.

[31-807A, added 1995, ch. 61, sec. 2, p. 135.]

31-808. SALE OF COUNTY PROPERTY -- GENERAL PROCEDURE -- SALE OF PROPERTY ACQUIRED THROUGH TAX DEED -- PROCEDURE AFTER ATTEMPTED AUCTION -- EXCHANGE OF COUNTY PROPERTY -- SALE OF CERTAIN ODD-LOT PROPERTY -- SALE, EXCHANGE OR DONATION OF PROPERTY TO OTHER UNITS OF GOVERNMENT. (1) A board of county commissioners shall have the power and authority to sell or offer for sale at public auction any real or personal property belonging to the county not necessary for its use. However, personal property not exceeding two hun-

dred fifty dollars (\$250) in value may be sold at private sale without notice or public auction. Prior to offering the property for sale, the board of county commissioners shall advertise notice of the auction in a newspaper, as defined in section [60-106](#), Idaho Code, either published in the county or having a general circulation in the county, not less than ten (10) calendar days prior to the auction. If the property to be sold is real property, the notice to be published shall contain the legal description as well as the street address of the property. If the property is outside the corporate limits of a city and does not have a street address, then the description shall also contain the distance and direction of the location of the real property from the closest city.

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

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

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

(c) Once such tax deeded property has been sold, the board of county commissioners shall within thirty (30) days notify all parties in interest of such sale and the amount of the excess proceeds. Such parties in interest shall respond to the board of county commissioners, within sixty (60) days of receiving such notice, making claim on the proceeds. No responses postmarked or received after the sixtieth day shall be accepted. Within sixty (60) days of the date a claim on the proceeds is due, the board of county commissioners shall make payment to parties in interest in priority of the liens pursuant to law or shall transfer the funds to the state treasurer as set forth in paragraph (d) of this subsection. All funds available after payment to parties in interest shall be returned to the owner(s) of record of the property at the time the tax deed was issued. All costs associated with the compliance of this section shall be deducted from any amounts refunded to the parties in interest or owner(s) of record or transferred to the state treasurer.

(d) With the consent of the state treasurer, the board of county commissioners may transfer funds to be paid to parties in interest or the owner(s) of records pursuant to paragraph (c) of this subsection to the state treasurer. Upon transfer, the board of county commissioners shall immediately notify by first-class mail all parties that submitted a claim on the proceeds and the owner(s) of record of the transfer. The board of county commissioners shall provide such information to the state treasurer concerning the claims and the proceeds as the state treasurer shall reasonably request. The state treasurer shall keep and distribute the proceeds in accordance with [chapter 5, title 14](#), Idaho Code.

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

(4) Any sale of property by the county shall vest in the purchaser all of the right, title and interest of the county in the property, including all delinquent taxes that have become a lien on the property since the date of issue of the tax deed, if any, but excluding easements, highways, and rights-of-way owned by the county, unless expressly conveyed.

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

(6) Should the county be unable to sell at a public auction any real or personal property belonging to the county, including property acquired by tax deed, it may sell the property without further notice by public or private sale upon such terms and conditions as the county deems necessary. Distribution of the proceeds of sale shall be as set forth in subsection (2) of this section.

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

(8) The board of county commissioners may, by resolution, declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county. For purposes of this subsection, odd-lot property is defined as that property that has an irregular shape or is a remnant and has value primarily to an adjoining property owner. Odd-lot property may be sold to an adjacent property owner for fair market value that is estimated by a land appraiser licensed to appraise property in the state of Idaho. If, after thirty (30) days' written notice, an adjoining property owner or owners do not desire to purchase the odd-lot property, the board of county commissioners may sell

the property to any other interested party for not less than the appraised value. When a sale of odd-lot property is agreed to, a public advertisement of the pending sale shall be published in one (1) edition of the newspaper as defined in subsection (1) of this section, and the public shall have fifteen (15) days to object to the sale in writing. The board of county commissioners shall make the final determination regarding the sale of odd-lot property in an open meeting.

(9) In addition to any other powers granted by law, the board of county commissioners may at their discretion, grant to or exchange with the federal government, the state of Idaho, any political subdivision or taxing district of the state of Idaho or any local historical society which is incorporated as an Idaho nonprofit corporation which operates primarily in the county or maintains a museum in the county, with or without compensation, any real or personal property or any interest in such property owned by the county or acquired by tax deed, after adoption of a resolution by the board of county commissioners that the grant or exchange of property is in the public interest. Notice of such grant or exchange shall be as provided in subsection (1) of this section and the decision may be made at any regularly or specially scheduled meeting of the board of county commissioners. The execution and delivery by the county of the deed conveying an interest in the property shall operate to discharge and cancel all levies, liens and taxes made or created for the benefit of the state, county or any other political subdivision or taxing district and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance. However, if the property conveyed is subject to a lien for one (1) or more unsatisfied special assessments, the lien shall continue until all special assessments have been paid in full. At no time shall a lien for a special assessment be extinguished prior to such special assessment having been paid in full. Any property conveyed to any local historical society by the county shall revert to the county when the property is no longer utilized for the purposes for which it was conveyed.

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

[31-808, added 1999, ch. 215, sec. 3, p. 573; am. 2001, ch. 333, sec. 1, p. 1174; am. 2003, ch. 58, sec. 1, p. 202; am. 2003, ch. 68, sec. 1, p. 227; am. 2004, ch. 318, sec. 4, p. 895; am. 2008, ch. 397, sec. 1, p. 1084; am. 2016, ch. 211, sec. 1, p. 594; am. 2016, ch. 273, sec. 2, p. 751.]

31-809. AUDIT OF COUNTY FUNDS. To examine and audit the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county, or appropriated by law, or otherwise, for its use and benefit.

[(31-809) R.S., sec. 1759; R.C., sec. 1917i, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917i; C.S., sec. 3424; I.C.A., sec. 30-715.]

31-809A. COUNTY ELECTION FUND. There is hereby created the county election fund which shall be established in each county by resolution adopted at a public meeting of the board of county commissioners. Funds received from the state or political subdivisions for conducting elections shall be deposited into this fund. Funds also budgeted by the county to conduct the primary and general elections may be deposited or transferred into the county election fund. Funds deposited in the county election fund may be accumulated from year to year or expended on a regular basis and shall be used to pay for all costs in conducting political subdivision elections.

[31-809A, added 2009, ch. 341, sec. 16, p. 1003.]

31-810. PAYMENT OF CLAIMS. To examine, settle and allow all accounts legally chargeable against the county, and order warrants to be drawn on the county treasurer therefor, and provide for the issuing of the same.

[(31-810) R.S., sec. 1759; R.C., sec. 1917j, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917j; C.S., sec. 3425; I.C.A., sec. 30-716.]

31-811. LEVY OF TAXES. To levy such tax annually on the taxable property of the county as may be necessary not exceeding the amount authorized by law; and to levy such taxes as are required to be levied by special or local statutes.

[(31-811) R.S., sec. 1759; R.C., sec. 1917k, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917k; C.S., sec. 3426; I.C.A., sec. 30-717; am. 1989, ch. 73, sec. 7, p. 122.]

31-812. EQUALIZATION OF ASSESSMENTS. To equalize the assessments as provided by [title 63](#), Idaho Code.

[(31-812) R.S., sec. 1759; R.C., sec. 1917l, as added by 1913, ch. 143, sec. 2, p. 507; reen. C.L., sec. 1917l; C.S., sec. 3427; I.C.A., sec. 30-718; am. 1989, ch. 73, sec. 8, p. 122.]

31-813. CONTROL OF SUITS. To direct and control the prosecution and defense of all suits to which the county is a party in interest, and employ counsel to conduct the same, with or without the prosecuting attorney, as they may direct.

[(31-813) R.S., sec. 1759; R.C., sec. 1917m, as added by 1913, ch. 143, sec. 2, p. 508; compiled and reen. C.L., sec. 1917m; C.S., sec. 3428; I.C.A., sec. 30-719.]

31-814. INSURANCE OF COUNTY PROPERTY. Where in the discretion of the commissioners it is desirable, they are hereby authorized to make contracts of insurance with any insurance company authorized to transact business within the state providing for insurance against loss by fire, and against any and all hazards on any or all property belonging to the county, including insurance to cover liability for damages to property and for bodily injury arising as a result of the ownership, operation or use of county vehicles. In consideration of the premium at which any such policy shall be written, it shall be a part of the policy contract between the county and the insurance

company that the insurance company shall not be entitled to the defense of governmental immunity of the insured. Immunity of the county, against liability damages, is hereby waived to the extent of the liability insurance carried by the county on such vehicles. Nothing herein contained shall be construed to require the making of such contracts of insurance by the commissioners on behalf of the county; provided that the board may create or participate in a self-insured risk program.

[(31-814) R.S., sec. 1759; R.C., sec. 1917n, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917n; C.S., sec. 3429; I.C.A., sec. 30-720; am. 1951, ch. 242, sec. 1, p. 507; am. 1989, ch. 145, sec. 1, p. 352; am. 2006, ch. 21, sec. 1, p. 79.]

31-815. LICENSING OF TOLL ROADS, BRIDGES, AND FERRIES. The board shall grant licenses and franchises, as provided by law, for construction of, keeping and taking tolls on roads, bridges and ferries, and fix the tolls and licenses; provided that the board need not grant licenses and franchises, as provided by law, for construction of, keeping and taking tolls on roads, bridges and ferries, and fix the tolls and licenses for those areas encompassed within the boundaries of a highway district formed pursuant to [title 40](#), Idaho Code.

[(31-815) R.S., sec. 1759; R.C., sec. 1917o, as added by 1913, ch. 143, sec. 2, p. 508; compiled and reen. C.L., sec. 1917o; C.S., sec. 3430; I.C.A., sec. 30-721; am. 1989, ch. 74, sec. 5, p. 129.]

31-815A. TRANSFER OF LICENSE APPLICATIONS. Whenever an application is made to the board for an order, franchise or license, relating to any toll road, bridge, ferry, or other subject over which the board has jurisdiction, in which a majority of the board are not disinterested, the application, by order of the board, must be transferred to the district court of the county; the clerk of the board must thereupon certify the application and all orders and papers relating thereto to the court to which the transfer is ordered; and thereafter the court to which the same is certified has full jurisdiction to hear and determine the application.

[31-815A, added 1995, ch. 61, sec. 3, p. 136.]

31-816. FIXING OF SALARIES. To fix the compensation of all county officers and employees, and provide for the payment of the same.

[(31-816) R.S., sec. 1759; R.C., sec. 1917p, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917p; C.S., sec. 3431; I.C.A., sec. 30-722; am. 1989, ch. 73, sec. 9, p. 122.]

31-817. FILLING OF VACANCIES. To fill by appointment all vacancies that may occur in county offices, except in members of the county board.

[(31-817) R.S., sec. 1759; R.C., sec. 1917q, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917q; C.S., sec. 3432; I.C.A., sec. 30-723; am. 1989, ch. 73, sec. 10, p. 122.]

31-818. AUTHORITY TO APPOINT ADMINISTRATIVE ASSISTANTS AND STAFF -- COUNTY COMMISSIONER AS ADMINISTRATOR MAY BE APPOINTED. (1) The board of

county commissioners shall be empowered to employ assistants, including administrative assistants, and clerical staff to aid them in fulfilling their duties.

(2) The board may appoint a member of the board of county commissioners to act as administrator. A county commissioner appointed as administrator under this subsection shall have and exercise only those administrative powers and duties as may be and are assigned by the board of county commissioners by ordinance or resolution. The provisions of chapters 50 through 57, [title 31](#), Idaho Code, shall not apply to the appointment of a county commissioner as administrator under this subsection.

[(31-818) R.S., sec. 1759; R.C., sec. 1917r, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917r; C.S., sec. 3433; I.C.A., sec. 30-724; am. 1989, ch. 73, sec. 11, p. 123; am. 1996, ch. 283, sec. 10, p. 948.]

31-819. PUBLICATION OF PROCEEDINGS. To cause to be published monthly such statement as will clearly give notice to the public of all its acts and proceedings, and, shall include a brief financial summary indicating the total amount spent from each county fund during the month. A more detailed report of expenditures may be published if deemed necessary by the board. Annually, a full financial report shall be prepared and available for public inspection which shows for each fund the sources of income, expenditures during the year, current fund balances, and other financial information as determined by the board. Within thirty (30) days of the annual audit's preparation as provided in section [31-1701](#), Idaho Code, the board shall cause to be published a summary of the balance sheet and a summary of the statement of revenues and expenditures. Such statements as well as all other public notices of proceedings of, or to be had before the board, not otherwise specially provided for, must be published in accordance with the requirements of [chapter 1, title 60](#), Idaho Code.

[(31-819) R.S., sec. 1759; R.C., sec. 1917s, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917s; C.S., sec. 3434; I.C.A., sec. 30-725; am. 1935, ch. 76, sec. 1, p. 131; am. 1951, ch. 294, sec. 1, p. 651; am. 1979, ch. 90, sec. 1, p. 217; am. 1989, ch. 73, sec. 12, p. 123; am. 1990, ch. 347, sec. 1, p. 937; am. 2008, ch. 37, sec. 1, p. 89.]

31-820. BY-LAWS. To make and enforce such rules and regulations for the government of their body, the preservation of order and the transaction of business as may be necessary.

[(31-820) R.S., sec. 1759; R.C., sec. 1917t, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917t; C.S., sec. 3435; I.C.A., sec. 30-726.]

31-821. ADOPTION OF SEAL. To adopt a seal for their board.

[(31-821) R.S., sec. 1759; R.C., sec. 1917u, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1917u; C.S., sec. 3436; I.C.A., sec. 30-727.]

31-822. MAINTENANCE OF FAIR GROUNDS -- TRANSFER OF PROPERTY TO FAIR DISTRICT. To contract to purchase a site, grounds or parks on which to hold

public fairs or exhibitions, to care for and maintain the same, regulate the use thereof and, in their discretion, to let, demise or lease the same to the state of Idaho or the department of agriculture for such public fair or exhibition purposes upon such terms and conditions and for such consideration as in their judgment shall best promote the holding of such public fairs or exhibitions. To make a special levy of one hundredths per cent (.01%) of market value for assessment purposes of taxable property within the county for the purpose of purchasing a site, grounds or park on which to hold public fairs or exhibitions and to erect upon said site, grounds or park suitable buildings and provide for the maintenance of said buildings. The funds raised by this levy may be allowed to accumulate until enough funds are available to make the desired purchase. On no account shall the funds raised by this levy and for the purpose of purchasing a site for county fairs or exhibitions, or for building upon and improving the same, be used for any other purpose. The board of county commissioners of any county, owning any grounds or parks with or without buildings and improvements thereon, held and maintained for public fairs or exhibitions may, upon such county becoming a member of or a part of a fair district, in their discretion and upon such terms and conditions as to them may be deemed advisable, offer to sell, and sell and transfer and convey by proper conveyance, to such fair district, the grounds or parks owned by such county and used for public fairs or exhibitions, provided, nevertheless, that any conveyance so made shall expressly provide that the grounds or parks shall be used for district fair purposes, and that upon failure of the district to use the said grounds or parks for a district fair for two (2) successive years, the said property so conveyed, shall revert back to the county making the conveyance.

[(31-822) R.C., sec. 1917w, as added by 1915, ch. 22, p. 74; am. 1917, ch. 149, p. 471; reen. C.L., sec. 1917v; C.S., sec. 3437; am. 1927, ch. 71, sec. 1, p. 89; I.C.A., sec. 30-728; am. 1949, ch. 265, sec. 1, p. 534; am. 1989, ch. 73, sec. 13, p. 123.]

31-823. MAINTENANCE OF EXHIBITS IN AID OF FAIRS -- ENCOURAGEMENT OF IMMIGRATION AND TRADE. To levy a tax of not to exceed two hundredths per cent (.02%) of market value for assessment purposes on all the taxable property within their respective counties, for the purpose of creating a fund to be used for collecting, preparing and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the state of Idaho, and for the same purposes, in the discretion of the commissioners to pay premiums or prizes for, and any costs or expenses of collecting, preparing, maintaining, exhibiting and advertising of like exhibitions, exhibited by others than the county at any such domestic or foreign exposition.

[(31-823) 1911, ch. 95, p. 340; reen. C.L., sec. 1917w; C.S., sec. 3438; am. 1927, ch. 19, sec. 1, p. 24; I.C.A., sec. 30-729; am. 1989, ch. 73, sec. 14, p. 124.]

31-824. EMPLOYMENT OF PRISONERS. To employ inmates of the county jail upon public road work or other county work in the county under such regulations as the board of county commissioners and the sheriff may prescribe.

[(31-824) R.C., sec. 1917x, as added by 1915, ch. 77, sec. 1, p. 189; compiled and reen. C.L., sec. 1917x; C.S., sec. 3439; I.C.A., sec. 30-730; am. 1989, ch. 73, sec. 15, p. 124.]

31-825. MAINTENANCE OF COUNTY LAW LIBRARY. To contract to purchase and to purchase and provide for care by clerk of district court of such law books and pamphlets as said commissioners may judge from time to time necessary for use of the district court and the county officials and bar of the county, and to provide for the care of all such books and pamphlets as may be donated or loaned to the county from time to time.

[(31-825) R.C., sec. 1917x, as added by 1917, ch. 135, sec. 1, p. 445; reen. C.L., sec. 1917y; C.S., sec. 3440; I.C.A., sec. 30-731.]

31-826. COOPERATION WITH AGRICULTURAL EXTENSION WORK. To appropriate funds for demonstration work in agriculture and home economics within said counties for the employment of a county agent or county agents in cooperation with the University of Idaho and the United States department of agriculture, in accordance with the terms and conditions of the act of congress approved May 8, 1914, 38 Stat. L. 372, ch. 79, commonly known as the Smith-Lever Act, the provisions of which have been accepted by the state of Idaho.

[(31-826) 1917, ch. 157, sec. 1, p. 483; compiled and reen. C.L., sec. 1917z; C.S., sec. 3441; I.C.A., sec. 30-732.]

31-828. GENERAL AND INCIDENTAL POWERS AND DUTIES. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government.

[(31-828) R.S., sec. 1759; R.C., sec. 1917v, as added by 1913, ch. 143, sec. 2, p. 508; reen. C.L., sec. 1918a; C.S., sec. 3443; I.C.A., sec. 30-734.]

31-829. SALE OR REPLACEMENT OF PERSONAL PROPERTY. Whenever any elective county officer has under his jurisdiction or control any personal property belonging to the county which, in his judgment, is of no further use to the county, he may, with the consent of the board of county commissioners, in the name of the county, sell such personal property. Whenever any such official has any personal property belonging to the county under his jurisdiction or control which, in his judgment is obsolete, worn or damaged so as to require replacement and is of greater value on a trade in or exchange for replacements than upon the sale as above permitted he may, incident to purchase of such replacements and with the consent of the board of county commissioners, trade in or exchange such personal property and apply its trade in or exchange value on the purchase price of replacements. If the purchase of such replacements requires calling for bids, the call shall include bids with proposed allowances for such obsolete, worn or damaged property. All cash received from the sale of personal property must be turned in to the county treasury.

[(31-829) I.C.A., sec. 30-708A, as added by 1939, ch. 76, sec. 1, p. 130; am. 1989, ch. 73, sec. 17, p. 125.]

31-830. AWARD TO COUNTY SHERIFF OR DEPUTY COUNTY SHERIFF OF HIS HANDGUN AND BADGE UPON RETIREMENT. (1) A county sheriff who retires during or upon the completion of his term of office under the provisions of the public employee retirement system of Idaho or the county's retirement system, whether under disability retirement or otherwise, may, with the consent of the board of county commissioners, be awarded his handgun and sheriff's badge along with the identification card issued by the county sheriff's office. The identification card shall have "RETIRED" printed on it, shall have no fixed expiration date and shall be signed by the county sheriff.

(2) Upon recommendation of the county sheriff and with the consent of the board of county commissioners, a deputy county sheriff holding police officer member status under the public employee retirement system of Idaho pursuant to section [59-1303](#)(3)(b)(ii), Idaho Code, or if the county by which he is employed does not participate in the system, who would qualify for such status under the provisions of that section if the county were a participant in the system, may, upon his retirement, be awarded his handgun and sheriff's badge along with the identification card issued by the county sheriff's office. The identification card shall have "RETIRED" printed on it, shall have no fixed expiration date and shall be signed by the county sheriff. The award shall be available to any deputy county sheriff, as described in this section, who leaves his employment with the county sheriff's office to retire under the provisions of the public employee retirement system of Idaho or the county's retirement system, whether under disability retirement or otherwise.

[31-830, added 1991, ch. 19, sec. 1, p. 42; am. 2018, ch. 93, sec. 1, p. 199.]

31-831. ABATEMENT OF CATASTROPHIC PUBLIC NUISANCE -- DEFINITIONS. As used in sections [31-831](#) through [31-834](#), Idaho Code:

(1) "Catastrophic public nuisance" means a condition on federal land where natural resources and biota have been managed or neglected to such an extent as to cause:

(a) The threat of a catastrophic wildfire demonstrated by stand density, basal area or ground fuel load greater than one hundred fifty percent (150%) of land health standards or an insect or disease infestation severe enough to threaten the mortality of at least twenty percent (20%) of the trees in the forestation area; or

(b) A condition in the area that threatens the quality or quantity of the public water supply of a county, the health, safety or welfare of the citizens of a county, the air quality of a nonattainment area, or the vegetative resources required to support land health and authorized livestock grazing.

(2) "Chief executive officer" means for a county, the chair of the county commission, if the county is operating under the county commission or expanded county commission form of government; the county executive officer, if the county is operating under the county-executive form of government; or the county manager, if the county is operating under the council-manager form of government.

(3) "County sheriff" means an individual elected to the office of county sheriff and who fulfills the duties described in section [31-2202](#), Idaho Code.

(4) "Federal agency" means the United States bureau of land management, the United States forest service, the United States fish and wildlife service or the national park service.

(5) "Federally managed land" means land that is managed by a federal agency.

[31-831, added 2016, ch. 366, sec. 1, p. 1075.]

31-832. DECLARATION OF CATASTROPHIC PUBLIC NUISANCE -- AUTHORITY TO DECLARE AND DEMAND ABATEMENT. (1) The chief executive officer of a county or the county sheriff may determine that a catastrophic public nuisance exists on land within the borders of the county.

(2) In evaluating whether a catastrophic public nuisance exists, the chief executive officer of a county or a county sheriff may consider: tree density and overall health of a forested area, including the fire regime condition class; insect and disease infestation, including insect and disease hazard ratings; fuel loads; forest or range type; slope and other natural characteristics of an area; watershed protection criteria; weather and climate; and any other factor that the chief executive officer of a county or a county sheriff considers to be relevant under the circumstances.

(3) The chief executive officer of a county or a county sheriff shall after consultation with the attorney general:

(a) Serve notice of the determination described in subsection (1) of this section, by hand or certified mail, on the federal agency that managed the land upon which the catastrophic nuisance exists; and

(b) Provide a copy of the determination that is served under paragraph (a) of this subsection to the governor, the attorney general, and the state's congressional delegation.

(4) The notice described in subsection (3) (a) of this section shall include: a detailed explanation for determination that a catastrophic public nuisance exists on the land in question; a demand that the federal agency formulate a plan to abate the catastrophic nuisance; and a specific date, no less than thirty (30) days after the day on which the notice is received, by which time the federal agency that managed the land shall abate the public nuisance or produce a plan for mitigating the catastrophic public nuisance that is acceptable to the county or other county.

(5) The chief executive officer of a county or a county sheriff may enter into a plan with the relevant federal agency to abate the catastrophic public nuisance.

(6) If, after receiving the notice described in subsections (3) (a) and (4) of this section, the federal agency does not respond by the date requested in the notice or otherwise indicates that the federal agency is unwilling to take action to abate the catastrophic public nuisance, the chief executive officer of a county or a county sheriff shall consult with the county prosecuting attorney and attorney general.

[31-832, added 2016, ch. 366, sec. 1, p. 1076.]

31-833. EMERGENCY ABATEMENT OF A CATASTROPHIC PUBLIC NUISANCE. (1) If a chief executive officer of a county or a county sheriff determines that a public nuisance exists on federally managed land, and the chief executive officer of a county or the county sheriff also finds that the catastrophic public nuisance in question adversely affects, or constitutes a threat to, the public health, safety, and welfare of the people of the county, the chief

executive officer of the county or the county sheriff may, after consulting with the attorney general, pursue all remedies allowed by law.

(2) In seeking an emergency abatement of a catastrophic public nuisance, a chief executive officer of a county or a county sheriff shall attempt, as much as possible, to coordinate with federal agencies and seek the advice of professionals, including private sector professionals, with expertise in abating a catastrophic public nuisance.

[31-833, added 2016, ch. 366, sec. 1, p. 1077.]

31-834. LIMITATIONS. Nothing in this act shall limit the authority of the state to manage and protect wildlife under [title 36](#), Idaho Code, or the power of a county.

[31-834, added 2016, ch. 366, sec. 1, p. 1077.]

31-836. LEASE OF COUNTY PROPERTY. Except as otherwise provided by law, the board of county commissioners may lease any property belonging to the county:

(1) Without public auction for a term not exceeding five (5) years at such rental as may be determined upon by the unanimous vote of such board, or at public auction to the highest bidder for a term not exceeding thirty (30) years. Rents shall be paid annually in advance provided, however, that the provision requiring the payment of rent in advance shall not apply to a lease to the federal or state government, a municipal corporation of this state, or any governmental agency or department.

(2) Any hospital or hospital grounds or portions thereof to be used in conjunction with hospital operations or hospital equipment belonging to the county may be leased by the board without public auction for a term not exceeding thirty-five (35) years; or any property suitable for a shelter intended to house victims of sexual or domestic violence which property belonging to the county may be leased by the board without public auction to any nonprofit corporation or association organized for the purpose of erecting and maintaining a shelter to house victims of sexual or domestic violence for a term not exceeding twenty (20) years; and, provided further, that the county, either as lessor or lessee, may enter into any lease or other transaction concerning any property with the Idaho health facilities authority for any term not to exceed ninety-nine (99) years.

(3) Any property belonging to the county may be leased by the board without public auction for a term not to exceed thirty (30) years, to be used for an industrial park in conjunction with economic development purposes. An industrial park for purposes of this section means facilities for manufacturing, processing, production, assembly warehousing or activities associated therewith.

(4) Without public auction the board of county commissioners may lease any property belonging to the county and not necessary for its use to the state of Idaho or any political subdivision thereof for any public purpose, to any nonprofit corporation or association organized for the purpose of erecting and maintaining thereon any play field, recreation park or stadium to serve as a memorial to the living or deceased soldiers, sailors and marines of an armed conflict entered into by the United States, or to any hospital district organized under [chapter 13, title 39](#), Idaho Code, for use in furthering the purposes of said district or to any nonprofit corporation or association organized for the purpose of erecting and maintaining an

animal shelter. Such lease may be for any term not to exceed ninety-nine (99) years, may provide for only a nominal rental to the county and shall, by its provisions, terminate when the property so leased ceases to be used for any public purpose, as an animal shelter, as a play field, recreation park or stadium serving as a memorial, or by the hospital district for its purposes. Nothing in this subsection shall prohibit the naming or title sponsorship of any play field, recreation park or stadium erected and maintained as a memorial as provided in this subsection as long as the play field, recreation park or stadium continues to serve as such memorial.

[(31-836) C.S., sec. 3423a, as added by 1927, ch. 159, sec. 2, p. 212; I.C.A., sec. 30-714; am. 1933, ch. 200, sec. 1, p. 393; am. 1937, ch. 123, sec. 1, p. 184; am. 1939, ch. 26, sec. 1, p. 56; am. 1947, ch. 190, sec. 1, p. 459; am. 1959, ch. 49, sec. 1, p. 104; am. 1961, ch. 103, sec. 1, p. 152; am. 1967, ch. 24, sec. 1, p. 41; am. 1977, ch. 60, sec. 2, p. 116; am. 1988, ch. 310, sec. 1, p. 966; am. 1989, ch. 115, sec. 1, p. 260; am. 1994, ch. 158, sec. 1, p. 358; am. 1995, ch. 156, sec. 1, p. 634; am. 2000, ch. 128, sec. 1, p. 303; am. 2014, ch. 117, sec. 1, p. 333.]

31-839. COOPERATION WITH AGRICULTURAL EXTENSION WORK. The board of county commissioners of the several counties within the state of Idaho are hereby authorized and empowered to provide funds for demonstration work in agriculture and home economics within said counties and for the employment of extension agents in agriculture and home economics in cooperation with the University of Idaho and the United States department of agriculture.

[(31-839) 1919, ch. 41, sec. 1, p. 139; C.S., sec. 3446; I.C.A., sec. 30-737.]

31-840. EXTENSION AGENTS -- SALARIES AND EXPENSES. The salary and expenses of such extension agents shall be fixed by the director of the University of Idaho extension division acting in cooperation with the board of county commissioners. The commissioners of said counties are hereby authorized and empowered to make provision for the payment of such salary and expenses out of the general tax fund of the county, or out of the county fair fund, or out of other available funds not otherwise appropriated.

[(31-840) 1919, ch. 41, sec. 2, p. 139; C.S., sec. 3447; am. 1929, ch. 80, sec. 1, p. 131; I.C.A., sec. 30-738.]

31-844. SUBPOENAS FOR WITNESSES. The board may issue subpoenas to compel the attendance of any person and the production of any books, papers or other items relating to the affairs of the county, for the purpose of examination upon any matter within their jurisdiction.

[(31-844) R.S., sec. 1768; reen. R.C. & C.L., sec. 1919; C.S., sec. 3451; I.C.A., sec. 30-742; am. 1989, ch. 73, sec. 21, p. 126.]

31-845. ENFORCEMENT OF ATTENDANCE AND TESTIMONY. A witness is bound to attend, when served, and to answer all questions which he would be bound to answer in the same case before a court of justice. Obedience to the subpoena, or to an order to attend, or to testify, may be enforced by the board, and for that purpose the board has all the powers conferred by, and the witness is subject to all the provisions of, the Code of Civil Procedure.

[(31-845) R.S., sec. 1769; reen. R.C. & C.L., sec. 1920; C.S., sec. 3452; I.C.A., sec. 30-743.]

31-846. WITNESS FEES NEED NOT BE PREPAID. Neither the officers serving subpoenas nor the witnesses subpoenaed to testify in relation to matters of public concern before the board of county commissioners are entitled to have their fees prepaid, but officers must serve the subpoenas and witnesses must attend without their fees being prepaid. The board may allow them reasonable compensation for services and attendance.

[(31-846) R.S., sec. 1770; reen. R.C. & C.L., sec. 1921; C.S., sec. 3453; I.C.A., sec. 30-744.]

31-847. LEAVE OF ABSENCE TO OFFICERS. The board of commissioners may grant to any county officer of their respective counties leave of absence from their county and the state, for a period not exceeding ninety (90) days, during which time the absence of such officer does not work forfeiture of his office; provided, that before the granting of such leave of absence, the officer (except county commissioners) must appoint a deputy to perform the duties of his office, as by statute in such cases made and provided, and must present to, and file with, the board of commissioners of his county the written consent of each person liable on his official bond, that such leave of absence be granted; be it further provided, that no leave of absence shall be granted to more than any one (1) county commissioner at the same time; providing, however, that where any elective or appointive county officer is required to absent himself by reason of being a member of the armed forces of the nation or by reason of official call to service in civilian war work, such period of absence shall not exceed the date of the next succeeding general election, such absence shall not work forfeiture of the office of such officer, and such absence shall suspend the salary of such officer during such period, except that the board may adopt a policy by which such officer may, for periods of absence not to exceed four (4) weeks per year, receive his or her regular salary reduced by an amount equal to any monetary compensation received for the performance of such military or civilian war work. For purposes of this section, appointive county officers do not include deputies appointed pursuant to section [31-2003](#), Idaho Code.

[(31-847) 1872, p. 27, sec. 1; R.S., sec. 1785; am. 1888-1889, p. 63; reen. R.C. & C.L., sec. 1922; C.S., sec. 3454; I.C.A., sec. 30-745; am. 1935, ch. 9, sec. 1, p. 23; am. 1943, ch. 66, sec. 1, p. 136; am. 1949, ch. 61, sec. 1, p. 104; am. 1970, ch. 120, sec. 2, p. 284; am. 1989, ch. 73, sec. 22, p. 126; am. 1995, ch. 114, sec. 1, p. 384.]

31-855. NEGLECT OF DUTY BY COMMISSIONERS. Any commissioner who neglects or refuses, without just cause therefor, to perform any duty imposed on him, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently or corruptly attempts to perform an act, as commissioner, unauthorized by law, shall be guilty of a misdemeanor.

[(31-855) R.S., sec. 1791; am. and reen. R.C. & C.L., sec. 1930; C.S., sec. 3462; I.C.A., sec. 30-753; am. 1989, ch. 73, sec. 24, p. 126; am. 2011, ch. 151, sec. 12, p. 424.]

31-856. MIGRATORY LABOR HOUSING -- COOPERATION WITH FEDERAL GOVERNMENT. The county commissioners may cooperate in any plan providing for the furnishing of housing, lands, labor and material and other assistance in the program sponsored by the United States of America pertaining to migratory labor by making agreements with the United States of America through the United States Department of Agriculture, its cooperating agencies, or any other agency of the United States of America, with reference to providing facilities, labor, materials or funds to carry forward said program.

[31-856, added 1947, ch. 144, sec. 1, p. 348.]

31-857. SCHOOL, ROAD, HERD AND OTHER DISTRICTS -- PRESUMPTION OF VALIDITY OF CREATION OR DISSOLUTION. Whenever any school district, road district, herd district, or other district has heretofore been, or shall hereafter be, declared to be created, established, disestablished, dissolved, or modified, by an order of the board of county commissioners in any county of the state of Idaho, a legal prima facie presumption is hereby declared to exist, after a lapse of two (2) years from the date of such order, that all proceedings and jurisdictional steps preceding the making of such order have been properly and regularly taken so as to warrant said board in making said order, and the burden of proof shall rest upon the party who shall deny, dispute, or question the validity of said order to show that any of such preceding proceedings or jurisdictional steps were not properly or regularly taken; and such prima facie presumption shall be a rule of evidence in all courts in the state of Idaho. No challenge to the proceedings or jurisdictional steps preceding such an order, shall be heard or considered after seven (7) years has lapsed from the date of the order.

[31-857, added 1935, ch. 79, sec. 1, p. 133; am. 1989, ch. 73, sec. 25, p. 126; am. 2009, ch. 43, sec. 1, p. 124.]

31-862. AUTHORIZING SPECIAL TAX TO BE USED SOLELY AND EXCLUSIVELY FOR PREVENTIVE HEALTH SERVICES. The board of county commissioners is hereby authorized to levy a special tax not to exceed four hundredths per cent (.04%) of market value for assessment purposes of all taxable property in the county, above the statutory limitation, to be expended solely and exclusively for preventive health services by county or district boards of health.

[31-862, added 1949, ch. 208, sec. 1, p. 443; am. 1967, ch. 219, sec. 1, p. 665; am. 1970, ch. 49, sec. 1, p. 102; am. 1989, ch. 73, sec. 27, p. 127.]

31-864. HISTORICAL SOCIETIES AND MUSEUMS -- SUPPORT BY COUNTY. (1) The board of county commissioners of any county may expend annually such amounts as necessary for the support of county or local historical societies which are incorporated as Idaho nonprofit corporations and which operate primarily within the county, or for the support of museums or of historical restoration projects within the county undertaken or operated by Idaho nonprofit organizations, or for the marking and development of historic sites by Idaho nonprofit corporations. For the purposes of this section, the board of county commissioners of any county is authorized and empowered to levy not more than twelve one-thousandths percent (.012%) on each dollar of market value for assessment purposes of taxable property within the county.

(2) Before money is granted under this section, the directors of such nonprofit corporations shall present to the county commissioners a proposed budget which shall indicate anticipated revenues and expenditures of the nonprofit corporation (including the sums requested from the county), and shall indicate the purposes of the proposed expenditures. The board of county commissioners may require an audit of the accounts and financial records of any such nonprofit corporations receiving county funds.

[31-864, added 1961, ch. 76, sec. 2, p. 103; am. 1969, ch. 240, sec. 1, p. 757; am. 1973, ch. 94, sec. 1, p. 162; am. 1978, ch. 184, sec. 1, p. 416; am. 1988, ch. 200, sec. 1, p. 378; am. 1989, ch. 74, sec. 7, p. 130.]

31-866. CONTRACTS FOR PUBLIC BENEFIT -- DESIGNATED GRANTEE. (1) The boards of county commissioners in their respective counties shall have the authority and power to enter into contracts with private nonprofit corporations to promote, maintain, and administer projects and programs that the board of county commissioners considers to be of public benefit, and the purpose of which is to carry on programs concerning the aged.

(2) The board of county commissioners may become the designated grantee and receive funding to sponsor, promote and administer such public activities as they may deem beneficial.

[I.C., sec. 31-866, as added by 1973, ch. 166, sec. 1, p. 318.]

31-867. SPECIAL LEVY FOR COURTS -- DISTRICT COURT FUND. (1) The board of county commissioners of each county in this state may levy annually upon all taxable property of its county, a special tax not to exceed four hundredths per cent (.04%) of market value for assessment purposes for the purpose of providing for the functions of the district court and the magistrate division of the district court within the county. All revenues collected from such special tax shall be paid into the "district court fund," which is hereby created, and the board may appropriate otherwise unappropriated moneys into the district court fund. Moneys in the district court fund may be expended for all court expenditures other than courthouse construction and remodeling.

(2) Balances in the district court fund may be accumulated from year to year sufficient to operate the court functions on a cash basis, but such balances shall not exceed sixty per cent (60%) of the total budget for court functions for the current year.

(3) There is hereby created the county court facilities fund which may be established in each county by resolution adopted at a public meeting of the board of county commissioners. Moneys in the county court facilities fund shall be expended for planning, remodeling and construction of court facilities. The county court facilities fund shall be separate and distinct from the county current expense fund and county expenditures from the county court facilities fund shall be solely dedicated to the purposes set forth in this section. At the discretion of the board of county commissioners, funds deposited in the county court facilities fund may be accumulated from year to year or expended on a regular basis.

[31-867, added 1976, ch. 307, sec. 2, p. 1054; am. 1989, ch. 73, sec. 28, p. 127; am. 1994, ch. 208, sec. 1, p. 656; am. 1997, ch. 52, sec. 1, p. 91.]

31-868. CONTRACTS FOR FIRE PROTECTION. The boards of county commissioners in their respective counties shall have the authority and power to enter into contracts with a city or a fire protection district for the provision of fire or life protection services, or both of them, in areas of the county not otherwise receiving fire or life protection.

[31-868, added 1979, ch. 140, sec. 1, p. 437; am. 1985, ch. 178, sec. 1, p. 459.]

31-869. DEVELOPMENT OF ENERGY SYSTEMS. The boards of county commissioners of their respective counties are empowered to establish, create, develop, own, maintain and operate or contract for the ownership, operation and maintenance of energy facilities as follows:

(1) Geothermal energy systems for heating for the benefit of the county and the residents of the county.

(2) Electrical generation plants not to exceed twenty-five (25) megawatts in capacity which use as a fuel source landfill gas, wood waste or other biomass fuels. All the electricity produced from the electrical generation facility shall be sold by the county at wholesale.

[(31-869) 31-868, added 1979, ch. 312, sec. 1, p. 844; am. and redesign. 2005, ch. 25, sec. 39, p. 98; am. 2006, ch. 210, sec. 1, p. 639.]

31-870. FEES FOR COUNTY SERVICES. (1) Notwithstanding any other provision of law, a board of county commissioners may impose and collect fees for those services provided by the county that would otherwise be funded by ad valorem tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered. Taxing districts other than counties may impose fees for services as provided in section [63-1311](#), Idaho Code.

(2) The board of county commissioners may establish and provide for the collection of a solid waste fee in accordance with a request made pursuant to this section, and such fee shall be certified and collected in the same manner provided by law for the collection of real or personal property taxes.

(3) The administrative fee authorized under the provisions of this section and collected for issuance of motor vehicle registrations pursuant to [chapter 4, title 49](#), Idaho Code, shall be the same for any registration issued pursuant to section [49-402B](#), Idaho Code, and may not be doubled or in any way increased solely because of registration under that section.

(4) The administrative fee authorized under the provisions of this section and collected for issuance of a motor vehicle title pursuant to [chapter 5, title 49](#), Idaho Code, shall be the same for all title transactions.

(5) This section shall not apply to the issuance or renewal of licenses to carry concealed weapons under sections [18-3302](#), [18-3302H](#) or [18-3302K](#), Idaho Code.

[31-870, added 1980, ch. 290, sec. 1, p. 759; am. 1988, ch. 201, sec. 2, p. 379; am. 1993, ch. 41, sec. 1, p. 114; am. 1996, ch. 322, sec. 7, p. 1036; am. 1999, ch. 90, sec. 1, p. 292; am. 2015, ch. 303, sec. 7, p. 1198; am. 2023, ch. 23, sec. 1, p. 133.]

31-871. CLASSIFICATION AND RETENTION OF RECORDS. (1) County records shall be classified as follows:

(a) "Law enforcement media recording" means a digital record created by a law enforcement agency in the performance of its duties that consists of a recording of visual or audible components or both.

(b) "Permanent records" shall consist of, but not be limited to, the following: proceedings of the governing body, ordinances, resolutions, building plans and specifications for commercial projects and government buildings, bond register, warrant register, budget records, general ledger, cash books and records affecting the title to real property or liens thereon, and other documents or records as may be deemed of permanent nature by the board of county commissioners.

(c) "Semipermanent records" shall consist of, but not be limited to, the following: claims, contracts, canceled checks, warrants, duplicate warrants, license applications, building applications for commercial projects and government buildings, departmental reports, purchase orders, vouchers, duplicate receipts, bonds and coupons, financial records, and other documents or records as may be deemed of semipermanent nature by the board of county commissioners.

(d) "Temporary records" shall consist of, but not be limited to, the following: correspondence not related to subsections (1) and (2) of this section, building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval, cash receipts subject to audit, and other records as may be deemed temporary by the board of county commissioners.

(e) Those records not included in paragraph (a), (b), (c) or (d) of this subsection shall be classified as permanent, semipermanent or temporary by the board of county commissioners and upon the advice of the office of the prosecuting attorney.

(2) County records shall be retained as follows:

(a) Permanent records shall be retained for not less than ten (10) years.

(b) Semipermanent records shall be kept for not less than five (5) years after date of issuance or completion of the matter contained within the record.

(c) Temporary records shall be retained for not less than two (2) years.

(d) Law enforcement media recordings with evidentiary value shall be retained for not less than two hundred (200) days from the date the recording was made.

(e) Law enforcement media recordings that have no evidentiary value and that are recorded by the law enforcement agency's equipment that is not affixed to any building or structure's interior or exterior wall shall be retained for not less than sixty (60) days from the date the recording was made.

(f) Law enforcement media recordings that have no evidentiary value and that are recorded by the law enforcement agency's equipment that is affixed to any building or structure's interior or exterior wall shall be retained for not less than fourteen (14) days from the date the recording was made.

(g) Records may be destroyed only by resolution of the board of county commissioners after regular audit and upon the advice of the prosecuting attorney, except that law enforcement media recordings may be destroyed without a resolution. A resolution ordering destruction must list, in detail, records to be destroyed. Such disposition shall be un-

der the direction and supervision of the elected official or department head responsible for such records.

(h) The provisions of this section shall control the classification, retention and destruction of all county records unless otherwise provided in Idaho Code or any applicable federal law.

(3) As used in this section:

(a) "Evidentiary value" means containing information relevant to:

- (i) Any use of force by a government agency;
- (ii) Any events leading up to and including an arrest or citation for a criminal offense;
- (iii) Any events that constitute a criminal offense;
- (iv) Any encounter about which a complaint has been filed by a subject, or his representative, of the law enforcement media recording; or
- (v) Any encounter about which a valid public records request has been filed by a subject, or his representative, of the law enforcement media recording.

(b) "Law enforcement agency" means a county agency given law enforcement powers or that has authority to investigate, enforce, prosecute or punish violators of state or federal criminal statutes, ordinances or regulations including a county sheriff's office, a county prosecuting attorney's office, and misdemeanor and juvenile probation offices. "Law enforcement agency" shall include any private entity contracting with a county to provide the services of a law enforcement agency.

(c) "Valid public records request" means a request as described in section [74-102](#), Idaho Code.

[31-871, added 1993, ch. 140, sec. 2, p. 372; am. 2000, ch. 54, sec. 1, p. 108; am. 2001, ch. 99, sec. 3, p. 249; am. 2010, ch. 62, sec. 1, p. 111; am. 2011, ch. 285, sec. 1, p. 778; am. 2018, ch. 184, sec. 1, p. 403.]

31-871A. RETENTION OF COUNTY RECORDS USING PHOTOGRAPHIC AND DIGITAL MEDIA. (1) A county official may reproduce and retain documents in a photographic, digital or other nonpaper medium. The medium in which a document is retained shall accurately reproduce the document in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.

(2) If the medium chosen for retention is photographic, all film used must meet the quality standards of the American national standards institute (ANSI).

(3) If the medium chosen for retention is digital, the medium must provide for reproduction on paper at a resolution of at least two hundred (200) dots per inch.

(4) A document retained by the county in any form or medium permitted under this section shall be deemed an original public record for all purposes. A reproduction or copy of such a document, certified by the county official, shall be deemed to be a transcript or certified copy of the original and shall be admissible before any court or administrative hearing.

(5) Once a paper document is retained in a nonpaper medium as authorized by this section, the original paper document may be disposed of or returned to the sender.

(6) Whenever any record is reproduced by photographic or digital process as herein provided, it shall be made in duplicate, and the custodian thereof shall place one (1) copy in a fire-resistant vault, or off-site

storage facility, and he shall retain the other copy in his office with suitable equipment for displaying such record at not less than original size and for making copies of the record.

[31-871A, added 2014, ch. 237, sec. 4, p. 599.]

31-873. REIMBURSEMENT FOR CERTAIN MEDICAL ASSISTANCE PAYMENTS. (1) For the purpose of assisting counties with their medical indigency claims, state participation in the federal medical assistance (medicaid) program under title XIX of the social security act, as amended, shall be expanded to match federal funds for coverage of services as defined by section [56-209d](#), Idaho Code.

(2) Boards of county commissioners shall safeguard all provided information as provided for in section 1902(a)(7) of the social security act, 42 CFR 431.300 through 431.307 and sections [56-221](#) and [56-222](#), Idaho Code.

[I.C., sec. 31-873, as added by 1987, ch. 170, sec. 1, p. 334; repealed 1990, ch. 87, sec. 1, p. 553; reinstated and am. 1991, ch. 233, sec. 2, p. 554.]

31-874. PROCEEDINGS AND RECORDS OF MEDICAL INDIGENTS. All proceedings and records related to medical indigency pursuant to the provisions of section [31-873](#), Idaho Code, and chapters 34 and 35, [title 31](#), Idaho Code, shall be subject to disclosure according to [chapter 1, title 74](#), Idaho Code, and shall not be subject to the provisions of [chapter 2, title 74](#), Idaho Code.

[31-874, added 1988, ch. 332, sec. 1, p. 994; am. 1990, ch. 213, sec. 27, p. 505; repealed 1990, ch. 87, sec. 1, p. 178; reinstated 1991, ch. 233, sec. 1, p. 553; am. 2015, ch. 141, sec. 53, p. 419.]

31-875. COMPUTERIZED MAPPING SYSTEM FEES. (1) As used in this section, "computerized mapping system" or "system" means the digital storage, processing and retrieval of cadastral information derived from local government records and related information such as land use, topography, water, streets and geographic features.

(2) In a county which develops a computerized mapping system, the board of county commissioners may impose and collect fees from the users of this system for the development, maintenance and dissemination of digital forms of the system. These fees shall not exceed the actual costs of development, annual maintenance and dissemination of the computerized mapping system. These fees shall not apply to paper maps produced from the computerized mapping system.

[31-875, added 1993, ch. 201, sec. 1, p. 555.]

31-876. PUBLIC TRANSPORTATION SERVICES. (1) The boards of county commissioners in their respective counties shall have the authority to establish, fund and operate public transportation services that the board of county commissioners considers to be of public benefit.

(2) Public transportation services include, without limitation, fixed transit routes; scheduled or unscheduled transit service; paratransit services for the elderly, disabled or other persons dependent on public transportation; shuttle and commuter services between cities, counties, health care facilities, employment centers, educational institutions and

park-and-ride locations; subscription van and car-pooling services; and transportation services unique to social service programs.

(3) The board of county commissioners may become the designated grantee and receive funding from other federal, state, local and private sources and use said funds for the sponsorship, promotion and administration of such public transportation services as they may deem beneficial.

[31-876, added 1994, ch. 121, sec. 1, p. 271.]

31-877. WATER AND SEWER SERVICES. The boards of county commissioners in their respective counties shall have the authority to provide necessary water and sewer services to any part of the county which does not receive water and sewer services, or any part of the county where a water and sewer or a water or sewer district has been dissolved pursuant to [chapter 41, title 63](#), Idaho Code. For purposes of this section, a board of county commissioners shall have the authority granted to water and sewer districts pursuant to [chapter 32, title 42](#), Idaho Code, and the authority granted to municipalities pursuant to the provisions of [title 50](#), Idaho Code.

[31-877, added 2001, ch. 184, sec. 1, p. 642.]

31-878. MISDEMEANOR PROBATION SERVICES. The board of county commissioners shall provide for misdemeanor probation services to supervise misdemeanor offenders, in those cases where such probation supervision has been ordered by the sentencing court, and perform such functions as prescribed by the administrative district judge in each judicial district. The board of county commissioners shall provide for misdemeanor probation services through employment of staff, contract or any other process that will accomplish the purposes of this section. Counties shall not be obligated to provide misdemeanor probation services beyond the funds generated by the fees collected pursuant to the provisions of section [31-3201D](#), Idaho Code, and any additional funds that may be annually appropriated by the board of county commissioners.

[31-878, added 2008, ch. 88, sec. 5, p. 246; am. 2011, ch. 128, sec. 1, p. 354.]

31-879. WAIVER OF RIGHT TO MAGISTRATE JUDGE. The board of county commissioners shall have the authority to adopt by majority vote a resolution waiving the right to a resident magistrate judge to which the county would otherwise be entitled pursuant to section [1-2205](#), Idaho Code. When a board of county commissioners has adopted such a resolution, and has not subsequently rescinded such resolution, the district magistrates commission for the judicial district in which the county is located is not required to appoint a resident magistrate judge for that county.

[31-879, added 2008, ch. 38, sec. 4, p. 92.]

31-880. PRETRIAL RELEASE SUPERVISION SERVICES. The board of county commissioners may establish a supervised pretrial release program to perform those functions as prescribed by the administrative district judge in each judicial district. The board of county commissioners may provide for supervised pretrial release services through employment of staff, contract, or any other process that will accomplish the purposes of this

section. A board of county commissioners shall not be obligated to establish a supervised pretrial release program. Counties having established a supervised pretrial release program shall not be obligated to provide supervised pretrial release services beyond the funds generated by the fees collected pursuant to the provisions of section [31-3201J](#), Idaho Code, and any additional funds that may be annually appropriated by the board of county commissioners.

[31-880, added 2019, ch. 217, sec. 1, p. 657.]

31-881. COUNTY PROHIBITIONS ON UTILITY CONNECTIONS. No county, incorporated or unincorporated area, special use district, or any other local government entity of any kind may enact or implement any resolution, policy, or ordinance that:

(1) Prohibits, or has the effect of prohibiting, the authorized connection or reconnection of an electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility;

(2) Restricts, or has the effect of restricting, the source of the electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility; or

(3) Requires residents or businesses within the county to use a particular type or generation source of electricity, natural gas, propane, or other fuel.

[31-881, added 2023, ch. 55, sec. 1, p. 207.]