

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 524

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1420, IDAHO  
2 CODE, TO PROVIDE THAT REAL PROPERTY MAY BE EXCHANGED FOR OTHER REAL  
3 PROPERTY OF EQUIVALENT VALUE AS DETERMINED BY THE BOARD OR SOLD.  
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5 Be It Enacted by the Legislature of the State of Idaho:

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

8 31-1420. PROCEDURE FOR SALE, CONVEYANCE AND DISPOSITION OF PROP-  
9 ERTY. Real or personal property of a fire protection district may be sold,  
10 conveyed and disposed of by its board of commissioners whenever the board  
11 finds and by resolution declares that the district no longer has use there-  
12 for, subject to the following procedure:

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

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

27 (3) All such real property shall be appraised by a certified appraiser  
28 who shall be selected by the board. It may then be exchanged for other real  
29 property of equivalent value as determined by the board or sold at public or  
30 private sale to the highest bidder for cash at not less than its appraised  
31 value, after due notice. If the property cannot be sold for the appraised  
32 value after reasonable efforts have been made, the board may then sell the  
33 property for adequate and valuable consideration as determined by the board.

34 (4) Due notice of sale shall be accomplished if the notice describes the  
35 property to be sold (legal description, if real property), states the ap-  
36 praised value thereof (by separate items, if so appraised), and specifies  
37 the time, place and conditions of sale.

38 (5) The notice shall be published in a newspaper having general circ-  
39 ulation in the district at least twice, the first publication thereof to be  
40 not less than fifteen (15) days preceding the day of sale.

41 (6) If such property is sold on terms, the board may contract for the  
42 sale of the same for a period of years not exceeding ten (10) years, with an

1 annual rate of interest on all deferred payments not to exceed twelve percent  
2 (12%) per annum. The title to all property sold on contract shall be retained  
3 in the name of the district until full payment has been made by the purchaser.  
4 Any property sold by the board under the provisions of this section, either  
5 for cash or on contract, shall be assessed by the county assessor in the same  
6 manner and upon the same basis of valuation as though the purchaser held a  
7 record title to the property so sold. The board shall have authority to can-  
8 cel any contract of sale, pursuant to law, if the purchaser shall fail to  
9 comply with any of the terms of such contract, and retain all payments paid  
10 thereon. The board may by agreement with the purchaser modify or extend any  
11 of the terms of any contracts of sale, but the total period of years shall not  
12 exceed ten (10) years.

13 (7) Upon final payment pursuant to the sale of such real property, the  
14 president and secretary, pursuant to resolution of the board, shall duly ex-  
15 ecute and deliver an appropriate deed to the purchaser, and upon the accom-  
16 plishment of the sale of such personal property, the president and secre-  
17 tary, pursuant to resolution of the board, shall duly execute and deliver an  
18 appropriate bill of sale to the purchaser.

19 (8) In addition to any other powers granted by law, the board of fire  
20 commissioners may, at their discretion, grant to or exchange with the fed-  
21 eral government, the state of Idaho, any political subdivision, or taxing  
22 district of the state of Idaho, with or without compensation, any real or  
23 personal property or any interest in such property owned by the fire district  
24 or acquired by tax deed, after adoption of a resolution that the grant or ex-  
25 change of property is in the public interest. Such resolution may be made at  
26 any regularly or specially scheduled meeting of the board. Notice of such  
27 grant or exchange shall be made in the same manner as set forth in subsec-  
28 tions (4) and (5) of this section. The fire protection district's execution  
29 and delivery of the deed conveying an interest in the property shall operate  
30 to discharge and cancel all levies, liens and taxes made or created for the  
31 benefit of the fire protection district and to cancel all titles or claims of  
32 title including claims of redemption to such real property asserted or ex-  
33 isting at the time of such conveyance.