



Idaho Statutes

TITLE 40 HIGHWAYS AND BRIDGES

CHAPTER 13 HIGHWAY DISTRICTS

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

- (1) To sue and be sued.
- (2) To purchase and hold lands, make contracts, purchase and hold personal or real property as may be necessary or convenient for the purposes of this chapter, and to sell and exchange any real or personal property other than public lands which by the constitution and laws of the state are placed under the jurisdiction of the state land board. Personal or real property, no longer useful to the district, not exceeding five thousand dollars (\$5,000) in value may be sold by the highway commissioners at a private sale or at any regular board meeting without advertisement. Before disposing of all other personal or real property exceeding five thousand dollars (\$5,000) in value, the highway district commissioners shall first conduct a public hearing for which notice shall be published in accordance with the provisions of section 40-206, Idaho Code, and at which hearing any person interested may appear and show cause that such personal or real property is still useful to the district and that the sale or exchange should not be made. Following testimony by all interested persons at the public hearing, the highway district commissioners may adopt a resolution finding that such personal or real property is no longer useful to the district and finding that such personal or real property should be sold or exchanged and establishing procedures for the sale of such personal or real property including, but not limited to, the date and time of the sale and whether the sale will be by live public auction, by receipt of sealed bids or by some other reasonably commercial means. The hearing and sale or exchange shall not be conducted at the same regular meeting and, except as otherwise provided by law, the only notice required for such sale or exchange shall be as set forth in section 67-2343, Idaho Code. Provided however, that before the district disposes of surplus real property at public sale, the district shall first notify any person who owns real property that is contiguous with the surplus real property of the district that such person has first option to purchase the surplus real property for an amount not less than the current appraised value. If more than one (1) adjoining owner wants to purchase the surplus real property, a private auction shall be held for such parties. If no owner of adjoining property exercises his or her option to buy, the district may proceed to public sale. Highway district commissioners, highway directors, employees, and their families must be personally disinterested, directly or indirectly, in the purchase of property for the use of the highway district, or in the sale of any property belonging to the highway district, or in any contract made by the highway district or other person on behalf of the highway district unless otherwise authorized by law.
- (3) To levy and apply ad valorem taxes for purposes under its

exclusive jurisdiction as are authorized by law.

History:

[40-1309, added 1985, ch. 253, sec. 2, p. 650; am. 1994, ch. 324, sec. 3, p. 1040; am. 1999, ch. 332, sec. 7, p. 901; am. 2000, ch. 258, sec. 1, p. 729; am. 2003, ch. 68, sec. 3, p. 230; am. 2012, ch. 306, sec. 1, p. 847.]

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