

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 19
COUNTY BOND ISSUES

31-1901. COMMISSIONERS MAY ISSUE FUNDING AND REFUNDING BONDS. The board of county commissioners of any county in this state may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the outstanding indebtedness of the county, including an obligation meeting the criteria of section [63-1315](#), Idaho Code, whether the indebtedness exists as a warrant indebtedness or bonded indebtedness. All such bonds shall be in the form and shall be issued, sold or exchanged and redeemed in accordance with the provisions of [chapter 2, title 57](#), Idaho Code, known as the "municipal bond law" of the state of Idaho, except where different provision is made herein. Provided, that the authority to fund warrant indebtedness shall extend only to the funding of warrant indebtedness existing as of the second Monday in January, 1933, and providing further that all taxes and other revenues which but for the funding of warrants would have been lawfully applicable to the redemption of the warrants so funded shall, as and when collected, be apportioned to and placed in the sinking fund for the payment of the interest and retirement of the principal of such bonds. Bonds issued for the purpose of funding warrants shall bear interest payable semiannually as the board of county commissioners may determine.

[(31-1901) added 2012, ch. 339, sec. 15, p. 944; am. 2019, ch. 205, sec. 3, p. 626.]

31-1902. PREREQUISITES TO ISSUANCE. For the purpose of extending the time of payment of said outstanding indebtedness, or reducing the interest charged, or when the interests of the county require it, the board may issue said bonds in exchange for bonds, theretofore issued by the county or for valid and legal warrants of the county outstanding on the second Monday of January, 1933, and may do so by resolution of the board at a regular meeting thereof, and without a vote of the people. Before any bonds shall be issued or exchanged under this section, the board of county commissioners shall ascertain that the bonds or warrants the payment of which is to be extended, or which are to be taken in exchange for the new issue of bonds, are valid and legal obligations of the county, and their findings of fact shall be entered of record on the minutes of their proceedings at least ten (10) days before any exchange is made, as herein provided. The said board shall also, before issuing any bonds under this section, deduct from the total outstanding legal indebtedness of the county at the time of the issue of said bonds, the cash on hand in the treasury of the county, that is available for the payment of said legal indebtedness, or any part thereof, and the issue of bonds as in this section provided for, shall in no case exceed the aggregate or total legal indebtedness of the county then outstanding, less the cash on hand to be applied in payment and discharge of said indebtedness.

[(31-1902) R.S., sec. 3603; am. 1895, p. 56, subd. 3603; reen. 1899, p. 136, sec. 1; reen. R.C., sec. 1961; compiled and reen. C.L., sec. 1961; C.S., sec. 3520; I.C.A., sec. 30-1402; am. 1933, ch. 153, sec. 2, p. 231.]

31-1903. BUILDING, ROAD, BRIDGE, AIR NAVIGATION AND OPEN-SPACE BONDS. When the interests of the county require it and the board of commissioners of the county deem it for the public good to bond the county to fund or refund the outstanding obligations or indebtedness of the county or bond the county for the purpose of acquiring funds for purchasing a site and erecting a courthouse and jail, a public auditorium or a jail thereon, or for the construction or repair of roads or bridges, or to assist any city or village in said county in constructing a free bridge over any navigable stream within, or partly within, or adjoining, the limits of any such city or village, or for purchasing, improving and equipping air navigation facilities as defined in [chapter 4, title 21](#), Idaho Code, which facilities may be wholly or partly within or without the limits of such county, or wholly or partly within or without the state of Idaho, or for purchasing public open-space land and/or easements for scenic and recreational purposes, or for any one (1) or more said purposes, and the indebtedness or liability of the county that may be created by the bonding, funding or refunding aforesaid, or in purchasing a site and erecting a courthouse and jail, a public auditorium or a jail thereon, and for the construction or repair of roads or bridges, or for assisting any city or village in the construction of any such free bridge as aforesaid, or for purchasing, improving and equipping air navigation facilities, or for purchasing public open-space land and/or easements for scenic and recreational purposes, or for any one (1) or more of said purposes, exceeds the income or revenue of the county for that year, the board of commissioners may issue bonds of the county as provided by sections [31-1901](#) and [31-1902](#), Idaho Code, and by the "municipal bond law" of the state of Idaho: provided, that the issuance of such bonds, except funding or refunding bonds, be first authorized by a vote of two-thirds (2/3) of the qualified electors of the county, voting at an election held, subject to the provisions of section [34-106](#), Idaho Code, for that purpose, as hereinafter provided and as provided in the "municipal bond law" and, provided, further, that before the board of county commissioners shall issue any bonds to fund or refund the indebtedness of the county as in the section provided, they shall deduct from the legal indebtedness of the county, at the time of the issue of said bonds, the cash on hand in the county treasury applicable to the discharge of said indebtedness, and may issue bonds for the remainder of the indebtedness.

[(31-1903) R.S., sec. 3604; am. 1895, p. 56, sec. 1; reen. 1899, p. 136, sec. 1; am. 1899, p. 443, sec. 1, subd. 3604; reen. R.C. & C.L., sec. 1962; C.S., sec. 3521; am. 1927, ch. 262, sec. 11, p. 546; I.C.A., sec. 30-1403; am. 1955, ch. 239, sec. 1, p. 537; am. 1967, ch. 59, sec. 1, p. 122; am. 1995, ch. 118, sec. 31, p. 456; am. 1999, ch. 125, sec. 1, p. 365.]

31-1904. BOND TAX LEVIES IN NEW COUNTIES AND SEGREGATED AREAS. Should any part of a county that has incurred a bonded indebtedness be cut off and annexed to another county, or erected into a new or separate county, the assessor of the county to which the segregated portion is attached, or the assessor of the new county created as aforesaid, shall, upon notice from the board of county commissioners of the original county from which such segregated portion was detached, given at the regular session of the board when county and state taxes are levied, collect in said segregated territory, and in addition to the other taxes collected by him for county and state purposes, and at the same time and in the same manner, the tax levied by said

board of commissioners as herein provided; and the laws of the state relating to the levy and collection of taxes, and prescribing the powers, duties and liabilities of officers charged with the collection and disbursement of the revenue arising from taxes, are made applicable to this article. The money collected by the assessor as aforesaid shall be paid over by the treasurer of the county collecting it to the treasurer of the county losing the said territory, and for the purposes herein directed, but such segregated territory so attached to another county, or erected into a new county, shall be relieved of the annual tax, levied as provided in the foregoing section, when the county acquiring the same, or the new or separate county, pays to the county losing the territory, that proportion of the whole indebtedness, together with legal interest thereon, that the assessed value of property in the segregated territory bears to the assessed value of the property in the whole county, as constituted before the division or segregation thereof.

[(31-1904) R.S., sec. 3606; am. 1895, p. 56, subd. 3606; reen. 1899, p. 136, sec. 1; reen. R.C. & C.L., sec. 1964; C.S., sec. 3523; I.C.A., sec. 30-1404.]

31-1905. CONDUCT OF BOND ELECTION. If the question of bonding the county as herein provided is submitted to the voters, the election shall be held as provided in section [34-106](#), Idaho Code, and shall be conducted in all respects in conformity with [title 34](#), Idaho Code. The number of qualified electors of the county voting at such bond election shall be solely determined by the number of votes cast on the specific question of bonding the county.

[31-1905, added 1988, ch. 278, sec. 2, p. 909; am. 1993, ch. 313, sec. 2, p. 1158; am. 1995, ch. 118, sec. 32, p. 457.]