

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 10
ERECTION OF PUBLIC BUILDINGS

31-1001. ERECTION OF BUILDINGS -- FURNISHING OF OFFICES -- CONTRACTS -- LEASE OF PREMISES FOR COURTHOUSE OR JAIL -- BOOKS AND STATIONERY. (1) The board of county commissioners must cause to be erected or furnished a courthouse and jail as may be necessary and must, when necessary, provide offices with necessary furniture for the sheriff, clerk of the district court, ex officio auditor and recorder, county treasurer, prosecuting attorney, county assessor, and county surveyor and must draw warrants in payment of the same.

(2) The contract for the erection of any such buildings described in subsection (1) of this section must be awarded, after thirty (30) days' notice for proposals, to the lowest bidder who will give security for the completion of the contract.

(3) A board of county commissioners may enter into a lease for courthouse premises, rooms, and jail for any period up to five (5) years. The board of county commissioners may enter into such a lease for a period not to exceed thirty (30) years if the question has been approved by a simple majority of the electors voting at an election held pursuant to section [34-106](#), Idaho Code. The county commissioners may contract with responsible parties for the leasing of a courthouse or jail or a combination of courthouse and jail, to be constructed upon premises owned by the county or otherwise. Said contract shall be awarded subject to the provisions of [chapter 28, title 67](#), Idaho Code. Such a contract also may provide that, at the expiration of the term of the lease and upon full performance of such lease by the county, the said courthouse premises, rooms, and jail, or so much thereof as is leased, may become the property of the county.

(4) The board must also provide all necessary books of record for the county auditor and recorder, county treasurer, county assessor, tax collector, clerk of the district court, and county surveyor; the books and stationery for the use of the board; and so much as is necessary for the use of said county officers in the transaction of official business.

(5) Nothing in this section shall be construed as limiting or otherwise affecting a lease or other transaction between the Idaho health facilities authority and the board of county commissioners as provided in section [31-836](#), Idaho Code.

[(31-1001) 1874, p. 520, sec. 13; R.S., sec. 1761; am. 1905, p. 228, sec. 1; reen. R.C. & C.L., sec. 1931; C.S., sec. 3463; am. 1925, ch. 85, sec. 1, p. 119; I.C.A., sec. 30-801; am. 1961, ch. 222, sec. 1, p. 358; am. 1963, ch. 106, sec. 1, p. 328; am. 1967, ch. 330, sec. 1, p. 965; am. 1978, ch. 42, sec. 1, p. 75; am. 1980, ch. 181, sec. 1, p. 402; am. 1989, ch. 91, sec. 1, p. 215; am. 2005, ch. 213, sec. 1, p. 637; am. 2022, ch. 319, sec. 1, p. 1034.]

31-1002. BOND ELECTION. Whenever the interests of any county require it, and the board of commissioners of the county deem it for the public good to purchase a site and erect thereon a courthouse and jail, or either thereof, and furnish the same; and the expense of purchasing such site, or erecting such buildings of suitable size and capacity and furnishing the same would exceed the revenue of one (1) year applicable to that purpose, and

the board deems it for the public good to bond the county for the purpose of providing funds therefor, the board of commissioners may, by a resolution adopted at a regular or any special meeting called for that purpose, call an election for such purpose, subject to the provisions of section [34-106](#), Idaho Code, or submit, at any general election, the question of issuing negotiable coupon bonds to an amount deemed necessary to defray the expenses of purchasing such site and erecting and furnishing such buildings.

[(31-1002) 1905, p. 73, sec. 1; reen. R.C. & C.L., sec. 1932; C.S., sec. 3464; I.C.A., sec. 30-802; am. 1995, ch. 118, sec. 24, p. 451.]

31-1003. PURCHASE OF SITE -- LETTING OF CONTRACT. If two-thirds (2/3) of the qualified electors of the county voting at such election vote in favor of the issuance of the bonds, the board of commissioners shall select and purchase, or, if necessary, cause to be condemned, for the use of the county, a suitable site for said buildings, and cause to be prepared plans and specifications for such courthouse and jail, or either thereof as the case may be, and advertise in a weekly newspaper of the county for thirty (30) days calling for sealed proposals or bids for the construction of said buildings. The published notice shall contain a general statement of the character and limited cost of the building or buildings, and state that the plans and specifications thereof may be found and examined in the office of the clerk of the board, and state the day when the sealed proposals will be opened and considered. The sealed proposals must be opened and considered publicly, and the contract let to the lowest responsible bidder, unless all bids are rejected; and if all bids are rejected, the board may advertise for new bids, or let the contract, provided it be for a less sum than that offered by the lowest bidder. The board must require a good and sufficient bond of the contractor conditioned for the faithful performance of the contract according to the plans and specifications. The board shall have full power and authority to do and perform any act in relation to purchasing such site and erecting said buildings, at any special or called meeting when all members of the board are present, or at any regular meeting of the board.

[(31-1003) 1905, p. 73, sec. 3; reen. R.C. & C.L., sec. 1933; C.S., sec. 3465; I.C.A., sec. 30-803.]

31-1004. STATUTES GOVERNING ELECTION AND BOND ISSUE. The board shall be governed in calling and holding said election, and in the issuance and sale of said bonds, and in providing for the payment of the interest thereon, and for their redemption, by the provisions of sections [31-1901](#) through [31-1909](#), Idaho Code.

[(31-1004) 1905, p. 73, sec. 2; am. R.C., sec. 1934; compiled and reen. C.L., sec. 1934; C.S., sec. 3466; I.C.A., sec. 30-804; am. 2022, ch. 111, sec. 15, p. 378.]

31-1005. JOINT CITY AND COUNTY SITES AND BUILDINGS. Any county and a city, or another county are hereby authorized and empowered to acquire and own a site or sites within the limits of any such city or county and jointly to construct public buildings thereon, to be jointly owned and used by such counties and city; or one (1) of such municipalities may purchase an interest in a site already owned by the other and they may then jointly construct or operate public buildings thereon.

[(31-1005) 1919, ch. 126, sec. 1, p. 412; C.S., sec. 3467; am. 1931, ch. 109, sec. 4, p. 188; I.C.A., sec. 30-805; am. 1990, ch. 123, sec. 2, p. 293.]

31-1006. JOINT SITES AND BUILDINGS -- CONTRACTS. The boards of county commissioners of such counties and the city council or other governing body of such city, are hereby authorized and empowered to enter into all necessary contracts or agreements with respect thereto and also all necessary contracts and agreements as between such counties and city for apportioning the expenses of acquiring such site and constructing such buildings for the maintenance, operation and use thereof, and may from time to time, modify or change such agreements as they may deem best.

[(31-1006) 1919, ch. 126, sec. 2, p. 412; C.S., sec. 3468; I.C.A., sec. 30-806; am. 1990, ch. 123, sec. 3, p. 294.]

31-1007. JOINT SITES AND BUILDINGS -- INDEBTEDNESS. Counties and cities operating under sections [31-1005](#) and [31-1006](#), Idaho Code, are hereby authorized and empowered to incur indebtedness and issue bonds for any of the purposes authorized hereby in the same manner in which they are now or hereafter may be authorized by law to incur indebtedness and issue bonds for similar purposes.

[(31-1007) 1919, ch. 126, sec. 3, p. 412; C.S., sec. 3469; I.C.A., sec. 30-807; am. 2022, ch. 111, sec. 16, p. 378.]

31-1008. COUNTY BUILDING CONSTRUCTION FUND -- LEVY OF TAX -- SPECIAL ELECTION. (1) In lieu of the issuance of bonds for the purpose specified in section [31-1002](#), Idaho Code, the board of county commissioners of any county shall have power, in addition to the power specified in said section [31-1002](#), Idaho Code, when in their judgment the best interests of the county so required, to create and establish a fund for the purpose specified in said section [31-1002](#), Idaho Code, and for said purposes are hereby authorized and empowered, by resolution adopted at a regular meeting of said board, or at any special meeting called for that purpose, to levy, in addition to all other taxes now authorized by law, an annual tax of not exceeding six hundredths percent (.06%) of market value for assessment purposes of all taxable property in such county for the current year, to be certified, extended and collected at the same time and in the same manner as taxes for general county purposes, and to be apportioned, when collected, to a special fund to be known as the "County Building Construction Fund," provided, that in the resolution and for the purposes hereinbefore mentioned such board shall call an election, subject to the provisions of section [34-106](#), Idaho Code, or submit, at any general election, the question of creating such fund to defray the expenses of purchasing such site and erecting and furnishing such buildings, at which election only such electors may vote as are qualified to vote at elections held for the issuance of general obligation bonds, and which election shall in all respects be governed and held in the same manner as is now required by law for the holding of elections to determine the question of the issuance of general obligation bonds. If, at such election two-thirds (2/3) of the qualified voters voting at such election shall have voted to create such funds, then such board of county commissioners may annually levy the taxes for the purposes hereinbefore mentioned. Such fund shall remain intact, subject to investment as hereinafter provided, until the

same shall, when augmented by the proceeds of similar levies in succeeding years, be adequate in the judgment of such board to defray the entire cost of purchasing a site and constructing the improvements aforesaid and completely furnishing the same, and no part of such fund shall be expended until complete plans and specifications have been adopted and contracts entered into insuring the completion of such purchase and construction within the limitations of such fund, nor shall the construction of any courthouse or jail be undertaken until such fund is adequate to insure the proper equipment and furnishing thereof.

(2) Notwithstanding the limitations imposed in subsection (1) of this section, the board of county commissioners may create a fund upon a finding by the board that a critical need exists for justice or law enforcement related facilities. The board may deposit any unexpended sums from the county current expense fund or the county justice fund into the county building construction fund or may deposit into the fund all or a part of any non-ad valorem tax revenues not otherwise restricted or dedicated by law. On or before the thirty-first day of March of each odd-numbered year, the board may review the budget for the current fiscal year and adjust the expenditures in the budget to provide for deposits into the fund from revenues not otherwise budgeted or to provide for deposits into the fund from revenues projected to be surplus over budgeted revenues. The adjustments may be made only after a notice is given and a public hearing is held substantially similar to that contained in section [31-1604](#), Idaho Code. After the creation of the fund, the board may, in strict compliance with section [63-802](#), Idaho Code, deposit any amount into the fund on an annual basis.

(3) Provided, that no such fund shall be accumulated in excess of two per cent (2%) of the assessed valuation of the property within such county; provided further, that such fund may be used to supplement the proceeds of any bonds issued pursuant to the provisions of sections [31-1002](#) and [31-1004](#), Idaho Code, for the purposes aforesaid.

[(31-1008) C.S., sec. 3469A, as added by 1931, ch. 109, sec. 1, p. 188; I.C.A., sec. 30-808; am. 1989, ch. 91, sec. 2, p. 216; am. 1995, ch. 118, sec. 25, p. 451; am. 1995, ch. 369, sec. 1, p. 1285; am. 1996, ch. 322, sec. 8, p. 1036.]

31-1009. INVESTMENT OF FUND -- ACCRUAL OF INTEREST. Any funds accumulated as provided in section [31-1007](#), Idaho Code, may, so far as practicable without jeopardy thereto, be invested by the county treasurer, under the direction of the board of county commissioners; and provided, further, that any portion of such fund not so invested, shall be deposited in accordance with the requirements of the public depository law. All interest earned by such fund shall accrue and be added to the principal thereof and become subject to investment as such.

[(31-1009) C.S., sec. 3469B, as added by 1931, ch. 109, sec. 2, p. 188; I.C.A., sec. 30-809; am. 1989, ch. 91, sec. 3, p. 217.]

31-1010. EXTENSION OF APPLICATION. The powers granted in sections [31-1008](#), [31-1009](#) and this section shall be deemed to be, and hereby are, extended and shall apply to sections [31-1005](#) to [31-1007](#), and 31-1101, whenever any county and such cities shall, jointly, at such election, have determined to acquire a site or sites and construct, equip and furnish such public buildings without the issuance of bonds therefor.

[(31-1010) C.S., sec. 3469C, as added by 1931, ch. 109, sec. 3, p. 188;
I.C.A., sec. 30-810.]

CHAPTER 11
PUBLIC SCALES -- [REPEALED]