

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 292

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO HIGHWAY DISTRICTS; PROVIDING A SHORT TITLE; AMENDING SECTION
2 40-1401, IDAHO CODE, TO PROVIDE THAT EACH COUNTY SHALL BE SERVED BY ONE
3 COUNTYWIDE HIGHWAY DISTRICT, TO PROVIDE FOR EXEMPTIONS, TO PROVIDE FOR
4 APPLICABILITY, AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION
5 40-1403, IDAHO CODE, RELATING TO REJECTION OF PLAN AND INTERVALS FOR
6 NEW ELECTIONS; REPEALING SECTION 40-1404, IDAHO CODE, RELATING TO COM-
7 MISSIONERS IN CERTAIN HIGHWAY DISTRICTS; AMENDING SECTION 40-1404A,
8 IDAHO CODE, TO REVISE PROVISIONS REGARDING SUBDISTRICTS, TO PROVIDE FOR
9 COUNTYWIDE HIGHWAY DISTRICT COMMISSIONERS, AND TO MAKE TECHNICAL COR-
10 RECTIONS; AMENDING SECTION 40-1407, IDAHO CODE, TO REVISE DISSOLUTION
11 PROCEDURES; AMENDING SECTION 40-1410, IDAHO CODE, TO REVISE PROVISIONS
12 FOR TRANSFER OF PROPERTY AND ASSETS AND TO MAKE TECHNICAL CORRECTIONS;
13 AND REPEALING CHAPTER 17, TITLE 40, IDAHO CODE, RELATING TO COUNTY HIGH-
14 WAY REORGANIZATION.
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. SHORT TITLE. This act shall be known and may be cited as the
18 "Local Highway District Consolidation Act."

19 SECTION 2. That Section 40-1401, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 40-1401. ~~ELECTION TO ESTABLISH COUNTYWIDE DISTRICTS ESTABLISHED. (1)~~
22 ~~Any county may, at the discretion of the commissioners, or shall, upon a re-~~
23 ~~quest in writing from ten percent (10%) or more of the qualified electors re-~~
24 ~~siding in each of the county commissioner subdistricts, hold an election at~~
25 ~~which the following question shall be submitted to the electorate: "Shall~~
26 ~~this county All counties shall be served by one county-wide (1) countywide~~
27 ~~highway district for all city highways and county secondary highways?". The~~
28 ~~election for this question shall be held at the next general election follow-~~
29 ~~ing a decision by the board of county commissioners for such an election or~~
30 ~~upon receipt of the qualified voters written requests to hold such election.~~
31 ~~At least one (1) public hearing shall be held by the board of county commis-~~
32 ~~sioners, prior to the election. Provided however, within ninety (90) days~~
33 ~~of the effective date of this act, any highway district in existence in the~~
34 ~~county on the effective date of this act that is located in a remote and iso-~~
35 ~~lated area because of geographical or topographical conditions may petition~~
36 ~~the Idaho transportation board to be exempted from inclusion in the county-~~
37 ~~wide highway district provided the petitioning highway district continues~~
38 ~~to operate as a district. Any petitioning highway district granted such ex-~~
39 ~~emption shall retain all assets and liabilities associated with the district~~
40 ~~and shall not participate in assets or liabilities associated with the coun-~~

1 tywide highway district. The provisions of sections 40-1407 and 40-1410,
 2 Idaho Code, shall not apply to any highway district granted such exemption.

3 (2) The provisions of this act shall have no effect on the authority of
 4 cities and counties regarding either:

5 (a) Local land use planning as provided in chapter 65, title 67, Idaho
 6 Code; or

7 (b) Validation and vacation proceedings as provided in title 40, Idaho
 8 Code.

9 (3) At any such time as a countywide highway district engages in road
 10 planning functions, it shall be required to make decisions in conformance,
 11 as much as practicable, with the lawfully adopted comprehensive plans of the
 12 cities, including their areas of city impact, and county where the roads at
 13 issue are located. Countywide highway districts shall be required to con-
 14 sult with such local governments prior to making decisions regarding road
 15 planning functions and shall follow any local government recommendations
 16 when practicable. For purposes of this subsection, road planning functions
 17 include actions and decisions regarding the location, design, construction,
 18 realignment, expansion, improvement, replacement, validation, or vaca-
 19 tion of any highway or public right-of-way, including associated drainage,
 20 parking, pedestrian, or bicycle facilities. Road planning functions do not
 21 include routine actions and decisions regarding maintenance and upkeep of
 22 roads, signage, signaling, detours, temporary closures, or use restric-
 23 tions, and the like.

24 SECTION 3. That Section [40-1403](#), Idaho Code, be, and the same is hereby
 25 repealed.

26 SECTION 4. That Section [40-1404](#), Idaho Code, be, and the same is hereby
 27 repealed.

28 SECTION 5. That Section 40-1404A, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 40-1404A. ELECTIONS, TERMS, AND SALARIES OF COMMISSIONERS IN CERTAIN
 31 COUNTYWIDE HIGHWAY DISTRICTS. (1) In countywide highway districts located
 32 in a county with a population of more than two hundred thousand (200,000)
 33 persons in which the voters have chosen to establish a countywide highway
 34 district at a previous election, the county shall be divided by the county
 35 commissioners immediately upon the effective date of this act into five
 36 (5) subdistricts, numbered 1 through 5, which shall be as nearly equal in
 37 population as practicable. No precincts shall be divided. A highway dis-
 38 trict commissioner shall be a resident of the subdistrict ~~which~~ that he
 39 represents. The governor shall appoint the first countywide highway dis-
 40 trict commissioners. Where one (1) or more highway districts have been in
 41 existence at the time of the creation of the countywide highway district,
 42 the governor shall appoint, whenever practicable, at least one (1) of the
 43 former highway district commissioners as they shall qualify by reason of
 44 residence in the territorial limits of the subdistricts of the countywide
 45 highway district as commissioners of the countywide highway district. Vot-
 46 ers in each subdistrict shall vote only for one (1) candidate seeking to
 47 represent that subdistrict. County commissioners, mayors and city council

1 members shall not be eligible to hold office as a countywide highway district
 2 commissioner. ~~At the election held in 1998, commissioners representing~~
 3 ~~subdistricts two and five shall be elected for two (2) year terms and commis-~~
 4 ~~sioners representing subdistricts three and four shall be elected for four~~
 5 ~~(4) year terms. Thereafter, a~~All commissioners shall be elected for four
 6 (4) year terms. The originally appointed commissioners shall serve until
 7 the next general election. Provided however, aAny incumbent in office on
 8 the effective date of this act may complete the term to which ~~they were that~~
 9 person was elected and shall represent the subdistrict in which they reside.
 10 ~~Any incumbent in office on the effective date of this act whose term expires~~
 11 ~~on January 1, 2000, shall retain that office until January 1, 2000, shall be~~
 12 ~~assigned the subdistrict in which they reside by the county commissioners,~~
 13 ~~which subdistrict shall be numbered one as provided in this section and that~~
 14 ~~commissioner need not stand for election in 1998.~~

15 (2) A qualified voter of the countywide highway district shall be eli-
 16 gible to vote for a countywide highway district commissioner residing in the
 17 elector's subdistrict, and the election shall be conducted as provided by
 18 Idaho statutes relating to holding general elections at the county level.

19 (3) The highway commissioners shall take office on January 1 of the
 20 year immediately following their election, and each may be compensated in
 21 accordance with the provisions of section 40-1314, Idaho Code, or receive a
 22 salary not to exceed one thousand two hundred dollars (\$1,200) per calendar
 23 month, with the exception of the president of the highway commissioners who
 24 may receive a salary not to exceed one thousand four hundred dollars (\$1,400)
 25 per calendar month.

26 SECTION 6. That Section 40-1407, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 40-1407. DISSOLUTION OF EXISTING DISTRICTS OR SYSTEMS -- TRANSFER
 29 OF FUNDS. ~~In any county where the electorate adopts a county-wide highway~~
 30 ~~district~~ all counties where highways have been consolidated in a countywide
 31 highway district under the provisions of this chapter and at the time of
 32 reorganization of the district, city highway systems, highway districts,
 33 and/or county highway systems already exist, the commissioners shall dis-
 34 solve those districts or systems and transfer all funds to the reorganized
 35 ~~county-wide~~ countywide highway district.

36 SECTION 7. That Section 40-1410, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 40-1410. EXISTING SYSTEMS AND DISTRICTS -- TRANSFER -- LIABILITY -- AD
 39 VALOREM TAX LEVIES. (1) When a ~~county-wide~~ countywide highway district has
 40 been adopted, all city highway systems, highway districts and county highway
 41 departments shall prepare an inventory and financial statement and file the
 42 statement with the commissioners not later than ~~ten (10) days subsequent to~~
 43 ~~the canvass of the election~~ ninety (90) days from the effective date of this
 44 act.

45 (2) Title to all machinery, buildings, lands and property of every kind
 46 and nature, ~~belonging to each city highway system, highway district and~~
 47 ~~county highway system shall immediately upon the dissolution of the system~~

1 ~~or district and,~~ without further conveyance, be vested in the commissioners
2 as custodians, and immediately thereafter, as soon as may be practical, de-
3 livered to the succeeding ~~county-wide~~ countywide highway district, and the
4 district shall be liable for any and all unliquidated obligations of dis-
5 solved city highway systems, highway districts or county highway systems.

6 (3) Countywide highway districts shall phase in any highway ad valorem
7 tax levy over a five (5) year period for any district, city, or other entity
8 paying highway ad valorem tax on the effective date of this act to equalize
9 the tax imposed throughout the countywide highway district.

10 SECTION 8. That Chapter 17, Title 40, Idaho Code, be, and the same is
11 hereby repealed.