

IN THE SENATE

SENATE BILL NO. 1318

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1416, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR A VEHICLE REGISTRATION FEE RESOLUTION, TO PROVIDE FOR REVIEW OF A VEHICLE REGISTRATION FEE RESOLUTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1416, IDAHO CODE, AS AMENDED BY SECTION 79, CHAPTER 341, LAWS OF 2009, TO PROVIDE ADDITIONAL REQUIREMENTS FOR A VEHICLE REGISTRATION FEE RESOLUTION AND TO PROVIDE FOR REVIEW OF A VEHICLE REGISTRATION FEE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-1416, Idaho Code, be, and the same is hereby amended to read as follows:

40-1416. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE REGISTRATION FEE. (1) Notwithstanding the provisions of section 49-207, Idaho Code, the voters of any county in which a ~~county-wide~~ countywide highway district is organized pursuant to chapter 14, title 40, Idaho Code, may authorize the ~~county-wide~~ countywide highway district to adopt a resolution by a majority vote of the ~~county-wide~~ countywide highway district commissioners to implement and collect a motor vehicle registration fee not to exceed two (2) times the amount established in section 49-402, Idaho Code. The authorization to adopt, implement, and collect a vehicle registration fee may be made by the registered voters of the county only at a general election held in even-numbered years, and a simple majority of the votes cast on the question shall be necessary to authorize the fee.

(2) In any election, the resolution submitted to the county voters shall:

(a) State the exact rate of the fee; ~~and~~

(b) State the duration of the fee;

(c) Impartially describe the purpose of the fee as permitted in subsection (5) of this section; and

(d) Not contain any argument in support or in opposition to the fee.

No rate shall be increased and no duration shall be extended without the approval of the voters, by the same simple majority of the votes cast.

An election to approve or disapprove the adoption of a vehicle registration fee may be called for by the adoption of a resolution by a majority vote of the ~~county-wide~~ countywide highway district commissioners. Any costs incurred to conduct the election for the district shall be a charge against the district, and shall be paid by the district.

(3) A resolution that does not meet the requirements of subsection (2) of this section shall not be placed on the ballot. The determination of whether the resolution meets those requirements shall be made as follows:

1       (a) The countywide highway district shall deliver a copy of its  
2 resolution to the county clerk ninety (90) days before the general  
3 election at which the resolution will be placed on the ballot. The  
4 county clerk shall immediately transmit a copy of the resolution to the  
5 prosecuting attorney for the county in which the countywide highway  
6 district is located.

7       (b) The prosecuting attorney shall review the resolution and shall  
8 issue a written determination of whether the resolution meets the  
9 requirements set forth in subsection (2) of this section within fifteen  
10 (15) working days of receiving the resolution.

11       (i) If the resolution meets those requirements, the prosecuting  
12 attorney shall prepare a written determination so stating and  
13 immediately transmit that determination to the county clerk  
14 and the countywide highway district so stating. Unless the  
15 prosecuting attorney's determination is overturned by the  
16 district court as provided in paragraph (d) of this subsection,  
17 the resolution shall be placed on the ballot.

18       (ii) If the resolution fails to meet those requirements, the  
19 prosecuting attorney shall prepare a written determination  
20 setting forth the reasons why the resolution is not in  
21 compliance with those requirements and immediately transmit that  
22 determination to the county clerk and the countywide highway  
23 district. Unless the prosecuting attorney's determination is  
24 overturned by the district court as provided in paragraph (d) of  
25 this subsection, the resolution shall not be placed on the ballot.

26       (c) Any person dissatisfied with the prosecuting attorney's  
27 determination may appeal that determination to the district court  
28 of the county in which the countywide highway district is located,  
29 to determine if the resolution meets the requirements set forth in  
30 subsection (2) of this section. No appeal shall be allowed from the  
31 prosecuting attorney's determination as set forth in paragraph (b)  
32 of this subsection unless made within twenty (20) days after the  
33 prosecuting attorney has transmitted such determination.

34       (d) The district court shall examine the resolution and determine if  
35 the resolution meets the requirements of subsection (2) of this section  
36 and issue its decision within twenty (20) working days from the filing  
37 of the appeal.

38       (4) Any ~~county-wide~~ countywide highway district authorized to adopt a  
39 resolution for a vehicle registration fee shall contract with the department  
40 for the collection, distribution, and administration of the fee in like  
41 manner, and under the definitions, ~~and~~ rules, ~~and~~ regulations for the  
42 collection and administration of other registration fees as set forth  
43 in chapter 4, title 49, Idaho Code. Monthly, following receipt by the  
44 department of revenues from the implementation of a vehicle registration  
45 fee, the department shall remit the same to the ~~county-wide~~ countywide  
46 highway district implementing such fee, less a deduction for such amount  
47 as may be agreed upon between the department and the commissioners of the  
48 ~~county-wide~~ countywide highway district, for the department's actual costs  
49 for collection and administration of the fee. The vehicle registration

1 fee shall not become part of the state highway account or state highway  
2 distribution account.

3 (45) The ~~county wide~~ countywide highway district must use the funds  
4 generated by a vehicle registration fee exclusively for the construction,  
5 repair, maintenance, and traffic supervision of the highways within its  
6 jurisdiction, and the payment of interest and principal of obligations  
7 incurred for said purposes.

8 (56) Sections 49-405, 49-408, 49-416, 49-404, 49-409, 49-415, and  
9 49-410, Idaho Code, shall be subject to the provisions of this ~~code~~ section.

10 SECTION 2. That Section 40-1416, Idaho Code, as amended by Section  
11 79, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
12 follows:

13 40-1416. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE REGISTRATION  
14 FEE. (1) Notwithstanding the provisions of section 49-207, Idaho Code, the  
15 voters of any county in which a countywide highway district is organized  
16 pursuant to chapter 14, title 40, Idaho Code, may authorize the countywide  
17 highway district to adopt a resolution by a majority vote of the countywide  
18 highway district commissioners to implement and collect a motor vehicle  
19 registration fee not to exceed two (2) times the amount established in  
20 section 49-402, Idaho Code. The authorization to adopt, implement, and  
21 collect a vehicle registration fee may be made by the registered voters  
22 of the county only at a general election held in even-numbered years, and  
23 a simple majority of the votes cast on the question shall be necessary to  
24 authorize the fee.

25 (2) In any election, the resolution submitted to the county voters  
26 shall:

27 (a) State the exact rate of the fee; ~~and~~

28 (b) State the duration of the fee;

29 (c) Impartially describe the purpose of the fee as permitted in  
30 subsection (5) of this section; and

31 (d) Not contain any argument in support or in opposition to the fee.

32 No rate shall be increased and no duration shall be extended without the  
33 approval of the voters, by the same simple majority of the votes cast.

34 An election to approve or disapprove the adoption of a vehicle  
35 registration fee may be called for by the adoption of a resolution by a  
36 majority vote of the countywide highway district commissioners. Any costs  
37 incurred to conduct the election for the district shall be paid by the  
38 county.

39 (3) A resolution that does not meet the requirements of subsection (2)  
40 of this section shall not be placed on the ballot. The determination of  
41 whether the resolution meets those requirements shall be made as follows:

42 (a) The countywide highway district shall deliver a copy of its  
43 resolution to the county clerk ninety (90) days before the general  
44 election at which the resolution will be placed on the ballot. The  
45 county clerk shall immediately transmit a copy of the resolution to the  
46 prosecuting attorney for the county in which the countywide highway  
47 district is located.

48 (b) The prosecuting attorney shall review the resolution and shall  
49 issue a written determination of whether the resolution meets the

1 requirements set forth in subsection (2) of this section within fifteen  
2 (15) working days of receiving the resolution.

3 (i) If the resolution meets those requirements, the prosecuting  
4 attorney shall prepare a written determination so stating and  
5 immediately transmit that determination to the county clerk  
6 and the countywide highway district so stating. Unless the  
7 prosecuting attorney's determination is overturned by the  
8 district court as provided in paragraph (d) of this subsection,  
9 the resolution shall be placed on the ballot.

10 (ii) If the resolution fails to meet those requirements, the  
11 prosecuting attorney shall prepare a written determination  
12 setting forth the reasons why the resolution is not in  
13 compliance with those requirements and immediately transmit that  
14 determination to the county clerk and the countywide highway  
15 district. Unless the prosecuting attorney's determination is  
16 overturned by the district court as provided in paragraph (d) of  
17 this subsection, the resolution shall not be placed on the ballot.

18 (c) Any person dissatisfied with the prosecuting attorney's  
19 determination may appeal that determination to the district court  
20 of the county in which the countywide highway district is located,  
21 to determine if the resolution meets the requirements set forth in  
22 subsection (2) of this section. No appeal shall be allowed from the  
23 prosecuting attorney's determination as set forth in paragraph (b)  
24 of this subsection unless made within twenty (20) days after the  
25 prosecuting attorney has transmitted such determination.

26 (d) The district court shall examine the resolution and determine if  
27 the resolution meets the requirements of subsection (2) of this section  
28 and issue its decision within twenty (20) working days from the filing  
29 of the appeal.

30 (4) Any countywide highway district authorized to adopt a resolution  
31 for a vehicle registration fee shall contract with the department for the  
32 collection, distribution, and administration of the fee in like manner,  
33 and under the definitions and rules for the collection and administration  
34 of other registration fees as set forth in chapter 4, title 49, Idaho  
35 Code. Monthly, following receipt by the department of revenues from the  
36 implementation of a vehicle registration fee, the department shall remit  
37 the same to the countywide highway district implementing such fee, less a  
38 deduction for such amount as may be agreed upon between the department and  
39 the commissioners of the countywide highway district, for the department's  
40 actual costs for collection and administration of the fee. The vehicle  
41 registration fee shall not become part of the state highway account or state  
42 highway distribution account.

43 (45) The countywide highway district must use the funds generated  
44 by a vehicle registration fee exclusively for the construction, repair,  
45 maintenance, and traffic supervision of the highways within its  
46 jurisdiction, and the payment of interest and principal of obligations  
47 incurred for said purposes.

48 (56) Sections 49-405, 49-408, 49-416, 49-404, 49-409, 49-415 and  
49 49-410, Idaho Code, shall be subject to the provisions of this section.

1           SECTION 3. Section 2 of this act shall be in full force and effect on and  
2 after January 1, 2011.