

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 263

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO COUNTYWIDE HIGHWAY DISTRICTS; REPEALING SECTION 40-1404A, IDAHO
2 CODE, RELATING TO ELECTIONS, TERMS, AND SALARIES OF COMMISSIONERS IN
3 CERTAIN COUNTYWIDE HIGHWAY DISTRICTS; AMENDING CHAPTER 14, TITLE 40,
4 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1404A, IDAHO CODE, TO
5 PROVIDE FOR CERTAIN COUNTYWIDE HIGHWAY DISTRICTS TO BE DIVIDED INTO
6 SEVEN SUBDISTRICTS, EACH REPRESENTED BY A COMMISSIONER, PURSUANT TO
7 CERTAIN CRITERIA; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
8 DATE.
9

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

11 SECTION 1. That Section [40-1404A](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 2. That Chapter 14, Title 40, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 40-1404A, Idaho Code, and to read as follows:

16 40-1404A. ELECTIONS, TERMS, AND SALARIES OF COMMISSIONER IN CERTAIN
17 COUNTYWIDE HIGHWAY DISTRICTS. (1) On and after January 1, 2024, in certain
18 countywide highway districts located in a county with a population of more
19 than two hundred thousand (200,000) persons in which the voters have cho-
20 sen to establish a countywide highway district at a previous election, the
21 county shall be divided by the county commissioners one (1) time, to be ef-
22 fective until after the 2030 federal decennial census, into seven (7) high-
23 way district commissioner subdistricts. No census blocks or incorporated
24 cities shall be divided, excepting the minimum incorporated city divisions
25 required to achieve a total population variation of no more than ten per-
26 cent (10%) from the smallest to the largest subdistrict, as compared to the
27 average subdistrict population. Subdistricts shall be formed, to the maxi-
28 mum extent possible, such that the incorporated cities within a county shall
29 each be contained within a unique subdistrict that contains no portion of an-
30 other incorporated city. If a county contains more than seven (7) incorpo-
31 rated cities, only the seven (7) most populated incorporated cities shall be
32 required to be placed into unique subdistricts pursuant to this subsection.
33 Subject to the requirements of this subsection, subdistricts with less pop-
34 ulation shall be located in areas likely to experience greater population
35 growth during the ensuing ten (10) year period, and subdistricts with more
36 population shall be located in areas likely to experience less population
37 growth over the ensuing ten (10) year period. After the completion of each
38 federal decennial census, and by no later than January 1 of the first even-
39 numbered year after the completion of each census, the county shall be di-
40 vided by the board of highway district commissioners into seven (7) highway

1 district commissioner subdistricts subject to the requirements of this sub-
2 section.

3 (2) A highway district commissioner shall be a resident of the subdis-
4 trict that he represents. Voters in each subdistrict shall vote for only one
5 (1) candidate seeking to represent that subdistrict. County commissioners,
6 mayors, and city council members shall not be eligible to hold office as a
7 countywide highway district commissioner.

8 (3) At the elections held in 2024, commissioners representing subdis-
9 tricts 2, 4, and 6 shall be elected for two (2) year terms and commissioners
10 representing subdistricts 1, 3, 5, and 7 shall be elected for four (4) year
11 terms.

12 (4) A qualified voter of the countywide highway district shall be el-
13 igible to vote for a countywide highway district commissioner residing in
14 the elector's subdistrict, and the election shall be conducted as provided
15 by Idaho statutes relating to holding general elections at the county level.
16 The election of highway district commissioners in a highway district sub-
17 ject to this section shall be on a partisan basis, subject to each political
18 party nominating a single candidate for each subdistrict in a primary elec-
19 tion, and one (1) highway district commissioner being elected from each sub-
20 district in the general election.

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

28 (6) A highway district subject to this section that was established
29 prior to January 1, 2024, shall convert to the election of commissioners as
30 provided for in this section, as follows:

31 (a) A transition team consisting of the elected highway district com-
32 missioners in office on July 1, 2024, and the current executive direc-
33 tor of the single countywide highway district shall prepare and execute
34 a plan for the orderly transition to the new board of county commission-
35 ers who shall be elected in 2024.

36 (b) Any elected single countywide highway district commissioner hold-
37 ing office on July 1, 2024, shall continue to perform the duties of such
38 office until the newly elected highway district commissioners take
39 office on January 1, 2025. Thereafter, a position held by a formerly
40 elected highway district commissioner shall be deemed abolished.

41 SECTION 3. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2023.