

IN THE SENATE

SENATE BILL NO. 1276

BY WERK AND KELLY

AN ACT

RELATING TO HIGHWAY DISTRICTS; TO PROVIDE A SHORT TITLE; AMENDING SECTION 40-1401, IDAHO CODE, TO PROVIDE THAT EACH COUNTY SHALL BE SERVED BY ONE COUNTYWIDE HIGHWAY DISTRICT AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 40-1403, IDAHO CODE, RELATING TO REJECTION OF PLAN AND INTERVALS FOR NEW ELECTIONS; AMENDING SECTION 40-1404, IDAHO CODE, TO DELETE THE REQUIREMENT OF A VOTE; AMENDING SECTION 40-1404A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1407, IDAHO CODE, TO REVISE DISSOLUTION PROCEDURES; AMENDING SECTION 40-1410, IDAHO CODE, TO REVISE PROVISIONS FOR TRANSFER OF PROPERTY AND ASSETS AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING CHAPTER 17, TITLE 40, IDAHO CODE, RELATING TO COUNTY HIGHWAY REORGANIZATION.

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

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

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

40-1401. ~~ELECTION TO ESTABLISH DISTRICT ESTABLISHED. Any Each county may, at the discretion of the commissioners, or shall, upon a request in writing from ten percent (10%) or more of the qualified electors residing in each of the county commissioner subdistricts, hold an election at which the following question shall be submitted to the electorate: "Shall this county shall be served by one county wide (1) countywide highway district for all city highways and county secondary highways?". The election for this question shall be held at the next general election following a decision by the board of county commissioners for such an election or upon receipt of the qualified voters written requests to hold such election. At least one (1) public hearing shall be held by the board of county commissioners, prior to the election.~~

SECTION 3. That Section 40-1403, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 40-1404, Idaho Code, be, and the same is hereby amended to read as follows:

40-1404. APPOINTMENT OF FIRST HIGHWAY DISTRICT COMMISSIONERS IN CERTAIN COUNTYWIDE HIGHWAY DISTRICTS -- SUBDISTRICTS -- ELECTIONS, TERMS AND SALARIES OF COMMISSIONERS. For all counties with a population of two hundred thousand (200,000) persons or less, ~~if there is a majority affirmative vote at the election~~ the county commissioners, at their next

1 meeting shall organize the countywide highway district. The county shall  
2 be subdivided by the county commissioners into three (3) subdistricts,  
3 designated subdistricts number one, two and three, as nearly equal in  
4 population as practicable, and one (1) highway commissioner shall represent  
5 each subdistrict and be a resident of the subdistrict. The governor shall  
6 appoint the first countywide highway district commissioners. Where one (1)  
7 or more highway districts have been in existence at the time of the creation  
8 of the countywide highway district, the governor shall appoint, whenever  
9 practicable, at least one (1) of the former highway district commissioners  
10 as they shall qualify by reason of residence in the territorial limits of  
11 the subdistricts of the countywide highway district as a commissioner of  
12 the countywide highway district. County commissioners and city council  
13 members shall not be eligible to hold office as a countywide highway district  
14 commissioner. The originally appointed commissioners shall serve until  
15 the next general election when two (2) members shall be elected for two (2)  
16 years and one (1) member shall be elected for a term of four (4) years, the  
17 commissioner from subdistrict number one being elected for a term of four (4)  
18 years. The four (4) year term shall be allotted thereafter in rotation to  
19 subdistricts number two, three and one. A qualified voter of the countywide  
20 highway district shall be eligible to vote for each of the countywide highway  
21 district commissioners, and the election shall be conducted as provided by  
22 Idaho statutes relating to holding elections at the county level.

23 The highway commissioners shall take office on January 1 of the year  
24 immediately following their election, and each may be compensated in  
25 accordance with the provisions of section 40-1314, Idaho Code, or receive a  
26 salary not to exceed six hundred dollars (\$600) per calendar month with the  
27 exception of the president of the highway commissioners who may receive a  
28 salary not to exceed seven hundred dollars (\$700) per calendar month.

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

31 40-1404A. ELECTIONS, TERMS AND SALARIES OF COMMISSIONERS IN CERTAIN  
32 COUNTYWIDE HIGHWAY DISTRICTS. In countywide highway districts located in a  
33 county with a population of more than two hundred thousand (200,000) persons  
34 ~~in which the voters have chosen to establish a countywide highway district at~~  
35 ~~a previous election,~~ the county shall be divided by the county commissioners  
36 immediately upon the effective date of this act into five (5) subdistricts  
37 which shall be as nearly equal in population as practicable. No precincts  
38 shall be divided. A highway district commissioner shall be a resident of  
39 the subdistrict which he represents. Voters in each subdistrict shall vote  
40 only for one (1) candidate seeking to represent that subdistrict. County  
41 commissioners, mayors and city council members shall not be eligible to  
42 hold office as a countywide highway district commissioner. ~~At the election~~  
43 ~~held in 1998, commissioners representing subdistricts two and five shall be~~  
44 ~~elected for two (2) year terms and commissioners representing subdistricts~~  
45 ~~three and four shall be elected for four (4) year terms. Thereafter, a~~  
46 ~~commissioners shall be elected for four (4) year terms. Any incumbent in~~  
47 ~~office on the effective date of this act may complete the term to which they~~  
48 ~~were elected and shall represent the subdistrict in which they reside. Any~~  
49 ~~incumbent in office on the effective date of this act whose term expires on~~

1 ~~January 1, 2000, shall retain that office until January 1, 2000, shall be~~  
 2 ~~assigned the subdistrict in which they reside by the county commissioners,~~  
 3 ~~which subdistrict shall be numbered one as provided in this section and that~~  
 4 ~~commissioner need not stand for election in 1998.~~

5 A qualified voter of the countywide highway district shall be eligible  
 6 to vote for a countywide highway district commissioner residing in the  
 7 elector's subdistrict, and the election shall be conducted as provided by  
 8 Idaho statutes relating to holding general elections at the county level.

9 The highway commissioners shall take office on January 1 of the year  
 10 immediately following their election, and each may be compensated in  
 11 accordance with the provisions of section 40-1314, Idaho Code, or receive a  
 12 salary not to exceed one thousand two hundred dollars (\$1,200) per calendar  
 13 month with the exception of the president of the highway commissioners who  
 14 may receive a salary not to exceed one thousand four hundred dollars (\$1,400)  
 15 per calendar month.

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

18 40-1407. DISSOLUTION OF EXISTING DISTRICTS OR SYSTEMS -- TRANSFER  
 19 OF FUNDS. In ~~any county where the electorate adopts a county wide~~  
 20 ~~highway district~~ all counties where highways have been consolidated in  
 21 a countywide highway district under the provisions of this chapter and at  
 22 the time of reorganization of the district, city highway systems, highway  
 23 districts, and/or county highway systems already exist, the commissioners  
 24 shall dissolve those districts or systems and transfer all funds to the  
 25 reorganized ~~county wide~~ countywide highway district.

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

28 40-1410. EXISTING SYSTEMS AND DISTRICTS -- TRANSFER -- LIABILITY. (1)  
 29 When a ~~county wide~~ countywide highway district has been adopted, all city  
 30 highway systems, highway districts and county highway departments shall  
 31 prepare an inventory and financial statement and file the statement with the  
 32 commissioners not later than ~~ten (10) days subsequent to the canvass of the~~  
 33 ~~election~~ September 1, 2010.

34 (2) Title to all machinery, buildings, lands and property of every kind  
 35 and nature, belonging to each city highway system, highway district and  
 36 county highway system shall immediately ~~upon the dissolution of the system~~  
 37 ~~or district and~~ without further conveyance, be vested in the commissioners  
 38 as custodians, and immediately thereafter, as soon as may be practical,  
 39 delivered to the succeeding ~~county wide~~ countywide highway district and  
 40 the district shall be liable for any and all unliquidated obligations  
 41 of dissolved city highway systems, highway districts or county highway  
 42 systems.

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