

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 310

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO SINGLE COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1406,
2 IDAHO CODE, TO PROVIDE THAT A SINGLE COUNTY-WIDE HIGHWAY DISTRICT MAY
3 OPERATE AND EXPAND AN ESTABLISHED PUBLIC VAN AND CARPOOLING PROGRAM,
4 RIDESHARE PLATFORM, OR PARK-AND-RIDE FACILITY AND TO MAKE TECHNICAL
5 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

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

9 SECTION 1. That Section 40-1406, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 40-1406. POWERS AND DUTIES OF HIGHWAY COMMISSIONERS -- ONE HIGHWAY
12 DISTRICT IN COUNTY -- HIGHWAY POWERS OF CITIES IN COUNTY ABOLISHED -- LAWS
13 IN CONFLICT SUPERSEDED. The highway commissioners of a county-wide highway
14 district shall exercise all of the powers and duties provided in chapter
15 13 ~~of this title, title 40, Idaho Code,~~ and are empowered to make highway
16 ad valorem tax levies as provided by chapter 8, ~~of this title 40, Idaho~~
17 Code. Only one (1) county-wide highway district shall be operative within
18 a county where the electorate has voted affirmatively for the formation of
19 a county-wide highway district. The district shall specifically be respon-
20 sible for all county secondary and city highways and is hereby recognized as
21 a body politic of this state. Notwithstanding any other provision of Idaho
22 Code, the highway district may operate and expand an established public van
23 and carpooling program, rideshare platform, or park-and-ride facility. No
24 city included within a county-wide highway district shall maintain or super-
25 vise any city highways, or levy any ad valorem taxes for the construction,
26 repair or maintenance of city highways. No highway district included within
27 a county-wide highway district, shall maintain any secondary highways or
28 levy any ad valorem taxes for the construction, repair or maintenance of
29 highways. Wherever any provisions of the existing laws of the state of Idaho
30 are in conflict with the provisions of this chapter, the provisions of this
31 chapter shall control and supersede all such laws. However, within the lim-
32 its of any city, the city may expend city funds for the placement, care and
33 removal of trees, shrubs, grass, and other plants, ~~which that~~ are located
34 within the rights-of-way of any highway of the county-wide highway district.

35 The commissioners of a county-wide highway district may pass ordi-
36 nances, and rules, and make all regulations, not repugnant to law, as
37 necessary, for carrying into effect or discharging all powers and duties
38 conferred to a county-wide highway district pursuant to this chapter and
39 chapter 13 ~~of this title, title 40, Idaho Code~~. All ordinances created or
40 passed by the commissioners of a county-wide highway district shall re-
41 quire the affirmative vote of two-thirds (2/3) of the members of the full
42 county-wide highway district commission. The style of all ordinances shall

1 be: "BE IT ORDAINED by the board of highway district commissioners of
2 (.....) County, Idaho." All ordinances passed shall, before they take
3 effect and within one (1) month after they are passed, be published in at
4 least one (1) issue of a newspaper published in the county or, if no paper
5 be published in the county, then in some paper having general circulation
6 therein. After such publication and before its effective date, such pro-
7 posed ordinance shall not thereafter be amended ~~in any particular~~ wherein
8 the amendment shall impose terms, conditions or privileges less favorable
9 to the county-wide highway district than the proposed ordinance as pub-
10 lished; but amendment favorable to the county-wide highway district may
11 be made at any time and after publication. All ordinances passed pursuant
12 to this section by the board of county-wide highway district commissioners
13 may be proved by a certificate of the secretary of the county-wide highway
14 district under the seal of the board of the county-wide highway district
15 commissioners and shall be read and received in evidence in all courts
16 and administrative proceedings without further proof. If ordinances duly
17 passed are printed or published in book or pamphlet form by authority of the
18 county-wide highway district commissioners, the printed or published book
19 or pamphlet shall also be read and received in evidence in all courts and
20 administrative proceedings without further proof. The commissioners of the
21 county-wide highway district may enforce such ordinances by all appropriate
22 administrative or judicial proceedings.

23 SECTION 2. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2023.