

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 346

BY PALMER

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12 repealed.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 COMMISSIONERS IN CERTAIN  
17 COUNTYWIDE HIGHWAY DISTRICTS. (1) On and after January 1, 2024, in county-  
18 wide highway districts located in a county with a population of more than two  
19 hundred thousand (200,000) persons in which the voters have chosen to estab-  
20 lish a countywide highway district at a previous election, the county shall  
21 be divided by the county commissioners one (1) time, to be effective until  
22 after the 2030 federal decennial census, into seven (7) highway district  
23 commissioner subdistricts. No census blocks or incorporated cities shall  
24 be divided, excepting the minimum incorporated city divisions required to  
25 achieve a total population variation of no more than ten percent (10%) from  
26 the smallest to the largest subdistrict, as compared to the average sub-  
27 district population. Subdistricts shall be formed, to the maximum extent  
28 possible, such that the incorporated cities within a county shall each be  
29 contained within a unique subdistrict that contains no portion of another  
30 incorporated city. If a county contains more than seven (7) incorporated  
31 cities, only the seven (7) most populated incorporated cities shall be re-  
32 quired to be placed into unique subdistricts pursuant to this subsection.  
33 Subject to the requirements of this subsection, subdistricts with less  
34 population shall be located in areas likely to experience greater popula-  
35 tion growth during the ensuing ten (10) year period, and subdistricts with  
36 more population shall be located in areas likely to experience less popula-  
37 tion growth over the ensuing ten (10) year period. After the completion of  
38 each federal decennial census, and by no later than January 1 of the first  
39 even-numbered year after the completion of each census, the county shall be  
40 divided by the board of highway district commissioners into seven (7) high-

1 way district commissioner subdistricts subject to the requirements of this  
2 subsection.

3 (2) Except as provided for in subsection (3) of this section, a high-  
4 way district commissioner shall be an elector of the subdistrict that he rep-  
5 represents. Voters in each subdistrict shall vote for only one (1) candidate  
6 seeking to represent that subdistrict. County commissioners, mayors, and  
7 city council members shall not be eligible to hold office as a countywide  
8 highway district commissioner.

9 (3) Commissioners in office on January 1, 2024, shall serve as at-large  
10 commissioners as follows:

11 (a) At-large commissioners whose terms expire on January 1, 2027, shall  
12 serve as transition team members pursuant to subsection (7) of this sec-  
13 tion, shall serve as the initial commissioners of subdistricts 1 and 2  
14 as established by this section, and shall not be required to reside in  
15 those subdistricts in order to complete their terms of office. Subse-  
16 quently, at the election held in 2026, commissioners for subdistricts  
17 1 and 2 shall be elected. Such elected commissioners shall take office  
18 on January 1, 2027, and shall serve four (4) year terms. The terms of  
19 the at-large commissioners of subdistricts 1 and 2 shall be abolished on  
20 January 1, 2027; and

21 (b) At-large commissioners whose terms expire on January 1, 2025, shall  
22 serve as transition team members pursuant to subsection (7) of this sec-  
23 tion. Such commissioners' terms shall be abolished on January 1, 2025.

24 (4) At the election held in 2024, commissioners representing subdis-  
25 tricts 3 and 4 shall each be elected for two (2) year terms and commis-  
26 sioners representing subdistricts 5, 6, and 7 shall each be elected for four (4)  
27 year terms. At the election held in 2026, commissioners representing sub-  
28 districts 1, 2, 3, and 4 shall be elected for four (4) year terms. There-  
29 after, all commissioners shall be elected for four (4) year terms.

30 (5) A qualified voter of the countywide highway district shall be eli-  
31 gible to vote for a countywide highway district commissioner residing in the  
32 elector's subdistrict only, and the election shall be conducted as provided  
33 by Idaho statutes relating to holding general elections at the county level.  
34 The election of highway district commissioners in a highway district subject  
35 to this section shall be on a partisan basis, subject to each political party  
36 nominating a single candidate for each subdistrict in the primary election,  
37 and one (1) highway district commissioner being elected from each subdis-  
38 trict in the general election.

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

46 (7) A highway district subject to this section that was established  
47 prior to January 1, 2024, shall convert to the election of commissioners as  
48 provided for in this section. A transition team consisting of the at-large  
49 highway district commissioners provided for in subsection (3) of this sec-  
50 tion and the current executive director of the single countywide highway

1 district shall prepare and execute a plan for the orderly transition to the  
2 new board of highway commissioners to commence on January 1, 2025, as set  
3 forth in this section.

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