

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 637

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 THE DIVISION OF CERTAIN COUNTYWIDE HIGHWAY DISTRICTS INTO
6 SUBDISTRICTS AND TO ESTABLISH PROVISIONS REGARDING THE ELECTIONS AND
7 TERMS OF OFFICE OF COMMISSIONERS; AND DECLARING AN EMERGENCY.
8

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

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11 repealed.

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

15 40-1404A. ELECTIONS, TERMS, AND SALARIES OF COMMISSIONERS IN CERTAIN
16 COUNTYWIDE HIGHWAY DISTRICTS. (1) On and after the effective date of this
17 section, in countywide highway districts located in a county with a popula-
18 tion of more than two hundred thousand (200,000) persons in which the voters
19 have chosen to establish a countywide highway district at a previous elec-
20 tion, the county shall be divided by the county commissioners into seven (7)
21 highway district commissioner subdistricts. No census blocks, precincts,
22 or incorporated cities shall be divided, except that the minimum number of
23 precincts or incorporated cities, beginning with the largest cities, may be
24 divided as required to achieve a total population variation of no more than
25 ten percent (10%) from the smallest to the largest subdistrict, as compared
26 to the average subdistrict population. Subject to the subdistrict popula-
27 tion requirements of this subsection, subdistricts shall be formed, to the
28 maximum extent possible, such that the incorporated cities within a county
29 shall each be contained within a unique subdistrict that contains no por-
30 tion of another incorporated city. If a county contains more than seven (7)
31 incorporated cities, only the seven (7) most populated incorporated cities
32 shall be required to be placed into unique subdistricts pursuant to this
33 subsection. Subject to the requirements of this subsection, subdistricts
34 with less population shall be located in areas likely to experience greater
35 population growth during the ensuing ten (10) year period, and subdistricts
36 with more population shall be located in areas likely to experience less pop-
37 ulation growth over the ensuing ten (10) year period. After the completion
38 of each federal decennial census, and by no later than January 1 of the first
39 even-numbered year after the completion of each such census, the county
40 shall be divided by the board of highway district commissioners into seven

1 (7) highway district commissioner subdistricts, subject to the requirements
2 of this subsection.

3 (2) A highway district commissioner shall be a resident of the subdis-
4 trict that he represents. Voters in each subdistrict shall vote only for 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 sub-
9 districts two, four, and six shall be elected for two (2) year terms and
10 commissioners representing subdistricts one, three, five, and seven shall
11 be elected for four (4) year terms. Thereafter, all commissioners shall be
12 elected for four (4) year terms.

13 (4) A qualified voter of the countywide highway district shall be el-
14 igible to vote for a countywide highway district commissioner residing in
15 the elector's subdistrict, and the election shall be conducted as provided
16 by Idaho law relating to holding general elections at the county level. Be-
17 ginning with the elections of 2026, the election of highway district commis-
18 sioners in a highway district subject to this section shall be on a parti-
19 san basis. Each political party shall nominate a single candidate for each
20 subdistrict in a primary election and one (1) highway district commissioner
21 shall be elected from each subdistrict in a general election.

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

29 (6) A highway district subject to this section that was established
30 prior to the effective date of this section shall convert to the election of
31 commissioners as provided for in this subsection, as follows:

32 (a) A transition team consisting of the elected highway district com-
33 missioners in office on the effective date of this section and the cur-
34 rent executive director of the single countywide highway district shall
35 prepare and execute a plan for the orderly transition to the new board of
36 highway district commissioners, which shall be elected in 2024.

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

43 SECTION 3. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after its
45 passage and approval.