

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 329

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL; AMENDING SECTION 40-2401, IDAHO CODE, TO REMOVE AN EXCEPTION PROVISION RELATING TO THE MANAGEMENT AND CONTROL OF THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING CHAPTER 24, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2401A, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 40-2403, IDAHO CODE, TO REVISE AUTHORITY PROVISIONS OF THE COUNCIL; AMENDING SECTION 40-2404, IDAHO CODE, TO PROVIDE THAT ANNUAL REPORTS SHALL BE PROVIDED TO THE IDAHO TRANSPORTATION BOARD; AMENDING CHAPTER 24, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2406, IDAHO CODE, TO PROVIDE FOR THE EXCHANGE AND DISTRIBUTION OF CERTAIN FUNDS, TO PROVIDE FOR THE ADMINISTRATION OF CERTAIN PROJECTS, TO PROVIDE FOR THE RETENTION OF CERTAIN PROPERTY AND MONEYS, TO PROVIDE FOR INTERVIEW OPPORTUNITIES FOR CERTAIN PERSONNEL, TO PROVIDE FOR THE TRANSFER OF THE IDAHO TECHNOLOGY TRANSFER CENTER AND TO PROVIDE FOR A MEMORANDUM OF UNDERSTANDING; AND AMENDING SECTION 40-717, IDAHO CODE, TO PROVIDE FOR FOLLOWING GUIDELINES IN SOLELY PROVIDING TECHNICAL ASSISTANCE TO LOCAL HIGHWAY JURISDICTIONS AND TO PROHIBIT THE COUNCIL FROM ENGAGING IN THE ADMINISTRATION OF PROJECTS OR PROGRAMS ON BEHALF OF CITIES, COUNTIES OR LOCAL HIGHWAY JURISDICTIONS.

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

SECTION 1. That Section 40-2401, Idaho Code, be, and the same is hereby amended to read as follows:

40-2401. LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL. (1) A local highway technical assistance council is hereby created. The council shall be a public agency, and is the instrumentality of its member jurisdictions. ~~The council and its officers and employees shall not be subject to the administrative or management control of the Idaho transportation department.~~

(2) The council shall consist of nine (9) members, three (3) each to be appointed by the association of Idaho cities, Idaho association of counties, and the Idaho association of highway districts. Council members shall serve at the pleasure of the appointing authority.

(3) Members of the council may be entitled to compensation for services at a rate not to exceed one hundred dollars (\$100) per day as determined by the members' respective associations and actual and necessary expenses. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code. Compensation and reimbursement shall be made from the local highway technical assistance council accounts established in section 40-717, Idaho Code.

SECTION 2. That Chapter 24, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-2401A, Idaho Code, and to read as follows:

40-2401A. LEGISLATIVE INTENT. It is the intent of the legislature that the purpose of the council will be solely to provide technical assistance to cities, counties and highway districts of the state with regard to utilizing available resources for maintenance and construction of Idaho's local highway system. The council shall not provide administrative assistance to any cities, counties or highway districts.

SECTION 3. That Section 40-2403, Idaho Code, be, and the same is hereby amended to read as follows:

40-2403. AUTHORITY OF THE COUNCIL. The council shall have the authority to:

(1) Represent its member jurisdictions in conferences, meetings and hearings related to highways, roads and streets and other transportation factors affecting local highway jurisdictions;

(2) Develop uniform standards and procedures that may be recommended to its member jurisdictions for the construction, maintenance, use, operation and administration of local highways;

(3) Cooperate with and receive and expend aid and donations from the ~~federal or state governments,~~ and from other sources for the administration and operation of the council. Provided however, the council shall not receive or expend federal funds;

(4) Make recommendations to the Idaho transportation board for the distribution and prioritization of federal funds for local highway projects and act in an advisory capacity to the board for local federal aid project selection for mandatory federal aid on the local highway system;

(5) Assist the legislature by providing research and data relating to transportation matters affecting local highway jurisdictions within the state;

(6) Maintain and disseminate information to local highway jurisdictions of federal and state legislation and administrative rules and regulations affecting local highway jurisdictions;

(7) Maintain and disseminate information to local highway jurisdictions of activities relating to ground transportation in other states;

~~(8) When authorized by the participating local jurisdiction, to act for that local jurisdiction through a joint exercise of powers agreement with any other local jurisdiction, and any agency of the state of Idaho, or any agency of the federal government;~~

~~(9) Buy, sell, receive and exchange property, both real and personal, as necessary to perform its functions;~~

(9) Assist local highway jurisdictions in applying for federal grant opportunities;

(10) Be the sole and exclusive authority for the expenditure of the monies made available by appropriation or otherwise to the council.

SECTION 4. That Section 40-2404, Idaho Code, be, and the same is hereby amended to read as follows:

1        40-2404. COUNCIL FISCAL YEAR -- ANNUAL REPORT. The fiscal year for the  
 2 local highway technical assistance council shall be July 1 through June 30.  
 3 On an annual basis, the council shall issue a report outlining its activities  
 4 for the previous year, including a financial statement. Copies of the report  
 5 shall be provided to the members of the transportation committees of the leg-  
 6 islature and to the Idaho transportation board.

7        SECTION 5. That Chapter 24, Title 40, Idaho Code, be, and the same is  
 8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 9 ignated as Section 40-2406, Idaho Code, and to read as follows:

10        40-2406. EXCHANGE OF FUNDS -- CONTINUED ADMINISTRATION OF PROGRAMMED  
 11 PROJECTS -- RETENTION OF PROPERTY -- PERSONNEL -- MEMORANDUM OF UNDERSTAND-  
 12 ING. (1) Nonmandated federal aid for the local highway system in the posses-  
 13 sion of the council on the effective date of this act shall be exchanged for  
 14 state funds held by the Idaho transportation department at a rate of sev-  
 15 enty-five cents (\$0.75) on the dollar. Distribution of the funds shall be  
 16 made using the formula for local highway distribution pursuant to the pro-  
 17 visions of section 40-709, Idaho Code, with the exception that the cities,  
 18 counties and highway districts that comprise Idaho's transportation manage-  
 19 ment areas shall not participate in the distribution.

20        (2) The council shall continue to administer local-federal aid  
 21 projects programmed in the current federal state transportation improvement  
 22 program for federal fiscal years 2015 through 2017. The council shall ad-  
 23 minister the projects through September 30, 2017, and shall thereafter cease  
 24 such administration.

25        (3) The council shall retain all real and personal property owned by the  
 26 council on the effective date of this act as well as the balance of any moneys  
 27 in its accounts following the exchange of funds as provided in subsection (1)  
 28 of this section.

29        (4) Personnel in employment with the council on the effective date of  
 30 this act who qualify for any job opening with the Idaho transportation de-  
 31 partment, shall be given the opportunity to interview with the department  
 32 for a period of time not to exceed September 30, 2018.

33        (5) The Idaho technology transfer center (T2), merged within the coun-  
 34 cil, shall be transferred to the Idaho transportation department for admin-  
 35 istration on October 1, 2017.

36        (6) A memorandum of understanding shall be negotiated between the coun-  
 37 cil and the Idaho transportation board on or before October 1, 2015, for the  
 38 purpose of setting forth terms associated with the exchange of funds and the  
 39 transfer of projects and programs as provided in this act, as well as any  
 40 other necessary provisions as determined by the parties.

41        SECTION 6. That Section 40-717, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43        40-717. DEPOSIT AND DISBURSEMENT OF FUNDS OF THE LOCAL HIGHWAY TECHNICAL  
 44 ASSISTANCE COUNCIL -- ADMINISTRATION. (1) Funds apportioned under sec-  
 45 tion 40-709, Idaho Code, to the local highway technical assistance council  
 46 shall immediately be deposited by the council in one (1) or more banks or  
 47 trust companies approved under chapter 27, title 67, Idaho Code, as state

1 depositories. All funds so deposited and interest from the same are hereby  
2 continuously appropriated for the purpose of carrying out the provisions of  
3 chapter 24, title 40, Idaho Code.

4 (2) The local highway technical assistance council is charged with the  
5 sole and exclusive administration of the council funds and shall follow fed-  
6 eral guidelines in solely providing technical assistance to local highway  
7 jurisdictions ~~which may be funded in part with federal funds~~. The council  
8 shall not engage in the administration of any projects or programs on behalf  
9 of any city, county or local highway jurisdiction. Funds can be withdrawn  
10 or paid out of such accounts only upon checks or other orders upon such ac-  
11 count, signed by two (2) officers of the council or employees designated by  
12 the council.

13 (3) The right is reserved to the state of Idaho to audit the accounts and  
14 expenditures of the council at any time.

15 (4) All money received or expended by the council shall be audited an-  
16 nually by a certified public accountant, designated by the council, as pro-  
17 vided in section 40-2405, Idaho Code.