

TITLE 40
HIGHWAYS AND BRIDGES

CHAPTER 15
CONSOLIDATION OF HIGHWAY DISTRICTS

40-1501. HIGHWAY DISTRICTS -- CONSOLIDATION -- EFFECT OF CONSOLIDATION. Any highway district within the state, whether the same are situated entirely within the boundaries of any one (1) county or within two (2) or more adjoining counties, may be consolidated with any adjoining highway district, whether situated entirely within the boundaries of any county or within two (2) or more adjoining counties.

[40-1501, added 1985, ch. 253, sec. 2, p. 663; am. 2000, ch. 202, sec. 2, p. 503.]

40-1502. PETITIONS FOR CONSOLIDATION. (1) Whenever electors of two (2) or more existing adjoining highway districts desire to consolidate those districts, a petition from each of the districts for consolidation, signed by five percent (5%) or twenty-five (25) electors, whichever is greater, qualified to vote at a highway district election in each of the highway districts, shall be presented to the commissioners of the county in which the highway districts are situated. The petitions shall state the name and, in a general way, describe the highway districts which it is proposed to consolidate.

(2) A majority of the elected commissioners of each of two (2) or more existing adjoining highway districts may also, on their own initiative, petition the county commissioners, in lieu of a petition as provided in subsection (1) of this section.

[40-1502, added 1985, ch. 253, sec. 2, p. 664; am. 2000, ch. 202, sec. 3, p. 503.]

40-1503. ORDER FOR HEARING -- NOTICE. The commissioners of the counties concerned, shall at the earliest possible date, meet at a time and place as shall be agreed upon by them, and at the meeting shall, by order, entered in the minutes of the commissioners of each of the counties concerned, fix a time and place for a hearing upon the petitions, which time shall not be less than sixty (60) days from and after the date of the first publication of notice of the petition and hearing on them. The hearing meeting shall be at the county seat of one of the counties concerned. At the meeting the commissioners shall prepare a notice of hearing to be signed by them and attested by the county clerks, setting forth the filing of petitions; the name and general description of the highway districts proposed to be consolidated; the total bonded and current warrant and other indebtedness; the market value for assessment purposes and the last preceding ad valorem tax levy of each of the highway districts; a statement that at the hearing any elector qualified to vote at elections of highway district commissioners of the highway districts proposed for consolidation may, prior to or at the time of the hearing, file with the clerk of the commissioners of the county in which he resides, written objections to the proposed consolidation; and that at the hearing any qualified elector of the highway districts proposed for consolidation may appear and make oral objections to the consolidation.

[40-1503, added 1985, ch. 253, sec. 2, p. 664; am. 2000, ch. 202, sec. 4, p. 504.]

40-1504. PUBLICATION OF NOTICE. The clerk of commissioners of each of the counties concerned shall cause to be published a copy of notice as provided by section [40-206](#), Idaho Code.

[40-1504, added 1985, ch. 253, sec. 2, p. 664.]

40-1505. HEARING -- ORDER FOR ELECTION -- CONSOLIDATION, WHEN DEFEATED. At the time and place specified in the notice, the county commissioners shall proceed to consider the petition and all written and oral objections, and shall hear all qualified persons in relation to it. Upon conclusion of the hearing, which may be continued from day to day, if a majority of the members of each of the commissioners of the counties involved are of the opinion that a consolidation is practical and to the best interests of each and all of the highway districts concerned, they shall make an order directing that the question of consolidation of the highway districts proposed for consolidation be submitted to the electors at an election to be held separately within each of the highway districts at a date in conformance with section [34-106](#)(1), Idaho Code, but not less than ninety (90) days after the date of the order. The date of the election shall be specified in the order. The order shall set forth: the name, number, and general description of the respective highway districts proposed to be consolidated; the market value for assessment purposes of all the property situated in each of the concerned highway districts, as shown by the last county assessment rolls; the total bonded and current warrant and other indebtedness of each of the highway districts; the preceding ad valorem highway tax levy of each of the highway districts; and the total bonded and current warrant and other indebtedness of the proposed consolidated highway district. A copy of the order shall be entered in the minutes of the commissioners of each county concerned. The proposed consolidation shall be defeated if a majority of the commissioners of either of the counties concerned vote against it, and in that event a record of that action shall be entered in the minutes of each of the counties concerned.

[40-1505, added 1985, ch. 253, sec. 2, p. 664; am. 2000, ch. 202, sec. 5, p. 504.]

40-1506. POLLING PLACES -- ELECTION OFFICERS. The commissioners of each county concerned shall meet within thirty (30) days, in either special or regular session and, by order, enter in their minutes and designate the polling places in each of the concerned highway districts situated in the county, and the county clerk shall appoint judges.

[40-1506, added 1985, ch. 253, sec. 2, p. 665; am. 2000, ch. 202, sec. 6, p. 505; am. 2009, ch. 341, sec. 81, p. 1043.]

40-1507. NOTICE OF ELECTION -- PUBLICATION AND CONTENTS. The commissioners of each county shall require its county clerk to give notice of the election in accordance with the provisions of [title 34](#), Idaho Code. In addition, the notice shall state the purpose and date of the election, the hours during which the polls shall be open and list the polling places, in addition to the following: the name and general description of the respective high-

way districts proposed to be consolidated; the market value for assessment purposes of all the property situated in each of the concerned highway districts, as shown by the last county assessment rolls; the total bonded and current warrant and other indebtedness of each of the highway districts; the preceding property highway tax levy of each of the highway districts; and the total bonded and current warrant and other indebtedness of the proposed consolidated highway district.

[40-1507, added 1985, ch. 253, sec. 2, p. 665; am. 2000, ch. 202, sec. 7, p. 505; am. 2009, ch. 341, sec. 82, p. 1043.]

40-1508. ELECTIONS -- TIME OF HOLDING. An election held under the provisions of this chapter shall be held in each of the highway districts and counties affected by the proposed consolidation and shall be held on the same day and conducted in accordance with the provisions of [title 34](#), Idaho Code.

[40-1508, added 1985, ch. 253, sec. 2, p. 665; am. 2000, ch. 202, sec. 8, p. 506; am. 2009, ch. 341, sec. 83, p. 1043.]

40-1509. CONDUCT OF ELECTIONS. (1) The polls shall be presided over by the appointed judges and clerks who must take an oath as judge and clerk of the highway district election and which oath shall obligate the judges and clerks to faithfully perform the duties of a board of election.

(2) All elections shall be by secret and separate ballot, each ballot in type, print or legible writing, stating in the affirmative and negative the proposition to be voted upon, and all ballots shall be in a form that the voters may express a choice by the marking of a cross (X).

(3) In all elections it is intended that no informalities in conducting the election shall invalidate the election, if the election has been otherwise fairly conducted. The clerks of the county commissioners shall prepare the necessary ballots for use in each of the highway districts.

[40-1509, added 1985, ch. 253, sec. 2, p. 666; am. 2000, ch. 202, sec. 9, p. 506.]

40-1510. DEFEAT OF PROPOSAL -- SUBSEQUENT ELECTIONS. The failure to carry the proposal to consolidate highway districts by at least a majority vote in any one (1) of the highway districts concerned shall defeat the entire proposal. Subsequent elections to consolidate highway districts having failed to be consolidated as provided in this chapter shall not be considered for consolidation under the provisions of this chapter for a period of four (4) years after the consolidation election.

[40-1510, added 1985, ch. 253, sec. 2, p. 666; am. 2000, ch. 202, sec. 10, p. 506.]

40-1511. COUNT OF VOTES -- CANVASS -- ORDER FOR CONSOLIDATION. Immediately following the close of the polls, the votes shall be counted in accordance with the provisions of [title 34](#), Idaho Code. The board of county commissioners shall meet separately at their respective county seats and pursuant to [chapter 12, title 34](#), Idaho Code, canvass the returns within each county. Within fifteen (15) days after the canvass, the commissioners shall meet in joint session at a location as shall be agreed upon by them and compile the total votes cast in their respective counties for or against the

proposal to consolidate the highway districts concerned. If the proposal carried in each of the highway districts concerned, the county commissioners in the joint meeting shall make and enter an order declaring the districts consolidated in one (1) highway district of a name or designation as may be ordered by them, and at that time the consolidation shall be effective. The highway districts having been consolidated shall remain in operation, with all legal authority of a highway district, until the newly appointed highway commissioners of the consolidated highway district meet and organize as provided in this chapter.

[40-1511, added 1985, ch. 253, sec. 2, p. 666; am. 2000, ch. 202, sec. 11, p. 506; am. 2009, ch. 341, sec. 84, p. 1044.]

40-1512. SUBDIVISION OF DISTRICT -- APPOINTMENT OF HIGHWAY COMMISSIONERS -- CONSOLIDATION, WHEN EFFECTIVE. At the joint meeting, as provided by section [40-1511](#), Idaho Code, by a majority vote of all the commissioners present, the territory consolidated in one (1) highway district shall be divided into three (3) subdistricts, as provided by section [40-1304](#), Idaho Code. Highway commissioners for the consolidated highway district shall be appointed by the governor, as provided for by section [40-1303](#), Idaho Code.

[40-1512, added 1985, ch. 253, sec. 2, p. 666; am. 2000, ch. 202, sec. 12, p. 507.]

40-1513. HIGHWAY DISTRICT LAWS APPLICABLE -- EXCEPTIONS -- TAX LEVIES. After the consolidation is effective, statutes relating to highway districts shall be applicable to the joint consolidated highway district, except as otherwise provided in this chapter. The assessing of property, the levying and collection of ad valorem taxes and all accounts which from their nature should be separately kept, shall be done and kept and the report on them made as if each portion of the consolidated district were a separate highway district in the respective counties. Nothing in this chapter shall be construed as preventing the new highway district board from levying ad valorem taxes against property within the consolidated district in accordance with [chapter 8, title 40](#), Idaho Code.

[40-1513, added 1985, ch. 253, sec. 2, p. 666; am. 2000, ch. 202, sec. 13, p. 507.]

40-1514. ORGANIZATION OF HIGHWAY DISTRICT COMMISSIONERS -- COMPUTATION OF INDEBTEDNESS OF FORMER DISTRICTS. Immediately after consolidation is effected and highway commissioners are appointed, they shall meet and organize as provided by law, appoint required officers and designate a time and place for their meetings and have and exercise all the powers, jurisdiction, and authority and perform all duties and be subject to the responsibilities and liabilities of a highway district as provided by law. Upon organization, the highway district shall ascertain and compute all indebtedness, including bonded, warrant and current indebtedness, separately, of each of the former highway districts comprising the consolidation.

[40-1514, added 1985, ch. 253, sec. 2, p. 667; am. 2000, ch. 202, sec. 14, p. 508.]

40-1515. PROPERTY AND MONEYS OF FORMER DISTRICTS -- DELIVERY TO CONSOLIDATED HIGHWAY DISTRICT. All property rights of the former highway districts shall be vested in and become the property of the consolidated highway district. The highway district commissioners and officers of each of the former highway districts comprising the consolidated highway district shall, immediately after consolidation is effected and the consolidated highway district commissioners have met and organized, turn over and deliver to them all property of every kind and description belonging to the former highway districts, including all moneys, books and accounts.

[40-1515, added 1985, ch. 253, sec. 2, p. 667; am. 2000, ch. 202, sec. 15, p. 508.]

40-1516. SEPARATE ACCOUNTS OF FUNDS AND PROCEEDS FROM FORMER HIGHWAY DISTRICTS -- DUTIES OF TREASURER. The highway district treasurer shall keep separate accounts of all moneys coming into his hands from each of the former highway districts, together with all moneys received from special tax levies against the taxable property situated within the boundaries of the former highway districts and together with all moneys paid out upon the indebtedness of the former highway districts. He shall pay from the funds in the accounts the amounts as the highway commissioners may from time to time order.

[40-1516, added 1985, ch. 253, sec. 2, p. 667; am. 2000, ch. 202, sec. 16, p. 508.]

40-1517. FUNDING OF INDEBTEDNESS OF FORMER HIGHWAY DISTRICTS. If the consolidated highway district commissioners determine that valid outstanding indebtedness of any of the former highway districts, existing prior to the consolidation may be funded or refunded to the profit and benefit of the taxpayers within the boundaries of the former highway district, and without incurring any additional liability, the highway commissioners have the power and authority to make provision for issuing of funding or refunding bonds in an amount equal to the unpaid principal and interest on the outstanding bonds or other indebtedness. Before the highway commissioners shall issue any bonds to refund any outstanding indebtedness, it shall cause all moneys of the former highway district on hand available for the payment and discharge of any indebtedness to be applied in payment and discharge of them and issue funding or refunding bonds only for the remainder of the indebtedness. The issuance of bonds shall not create any liability against the consolidated highway district or any of the property within its boundaries, excepting that the property within the boundaries of the former highway district shall be liable for the payment of the bonds.

[40-1517, added 1985, ch. 253, sec. 2, p. 667; am. 2000, ch. 202, sec. 17, p. 509.]

40-1518. INDEBTEDNESS PRIOR TO CONSOLIDATION -- LIABILITY OF PROPERTY IN FORMER HIGHWAY DISTRICTS. It is expressly provided that property situated within the boundaries of a former highway district shall be liable for the indebtedness of that district existing prior to consolidation, but shall not be liable for the indebtedness of any other highway district forming a consolidation and existing prior to the consolidation.

[40-1518, added 1985, ch. 253, sec. 2, p. 668; am. 2000, ch. 202, sec. 18, p. 509.]

40-1519. EXPENSES OF ELECTION. In all counties where highway district consolidation elections are held under the provisions of this chapter, county commissioners shall pay expenses of the elections from the election fund of the county.

[40-1519, added 2000, ch. 202, sec. 19, p. 509; am. 2009, ch. 341, sec. 85, p. 1044.]