First Regular Session - 2019

Moved by Palmer

Seconded by Monks (22)

## IN THE HOUSE OF REPRESENTATIVES HOUSE AMENDMENT TO S.B. NO. 1126

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 42.

Delete pages 2 and 3, and insert:

"SECTION 1. That Chapter 35, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a  $\underline{\text{NEW SECTION}}$ , to be known and designated as Section 67-3522, Idaho Code, and to read as follows:

- 67-3522. ECONOMIC RESERVE AND INVESTMENT FUND. (1) There is hereby created in the state treasury the economic reserve and investment fund for the following purposes: for providing moneys for the strategic initiatives program fund established pursuant to section 40-719, Idaho Code, for meeting general fund revenue shortfalls, or for meeting expenses incurred as the result of a major disaster declared by the governor. The fund shall consist of moneys pursuant to subsections (2) through (4) of this section, including earnings, and any other appropriated moneys as set by the legislature. The state treasurer is hereby granted the authority to invest the assets of the fund as permitted by sections 67-1210 and 67-1210A, Idaho Code, in accordance with the uniform prudent investor act, chapter 5, title 68, Idaho Code.
- (2) On June 1, 2019, or as soon thereafter as practicable, the state controller shall transfer any and all remaining moneys in the economic recovery reserve fund to the economic reserve and investment fund.
- (3) On July 1, 2019, or as soon thereafter as practicable, the state controller shall transfer two hundred seventy-two million dollars (\$272,000,000) from the budget stabilization fund to the economic reserve and investment fund, notwithstanding section 57-814, Idaho Code, or any other law to the contrary.
- (4) After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance, the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year or sixty million dollars (\$60,000,000), whichever is greater, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as practicable, the state controller shall transfer any general fund excess to the economic reserve and investment fund.
- (5) On July 15, 2019, or as soon thereafter as practicable, the state controller shall transfer thirty-eight million two hundred thousand dollars (\$38,200,000) from the economic reserve and investment fund to the strate-

gic initiatives program fund established pursuant to section 40-719, Idaho Code.

- (6) On July 15, 2020, or as soon thereafter as practicable, the state controller shall transfer one dollar (\$1.00) from the economic reserve and investment fund to the strategic initiatives program fund established pursuant to section 40-719, Idaho Code.
- (7) Beginning on July 1, 2021, or as soon thereafter as practicable, and on the first business day of each July thereafter, the state controller shall transfer an amount not exceeding five percent (5%) of the average monthly fair market value of the economic reserve and investment fund for the first twelve (12) months of the preceding twenty-four (24) months to the strategic initiatives program fund established pursuant to section 40-719, Idaho Code. Provided, distributions shall not exceed the fund's fair market value on the first business day in July.
- (8) If the fund balance in the budget stabilization fund established pursuant to section 57-814, Idaho Code, is less than one and one-half percent (1.5%) of general fund revenues for the year just ended, the state controller shall not make the transfer described in subsection (7) of this section.
- (9) Except as provided in this section, no appropriations from the economic reserve and investment fund nor any transfers out of the fund shall be made without the consent of the legislature by at least a majority of the members of each house concurring therein at an ordinary session or at an extraordinary session of the legislature called by the governor.
- (10) In the event of a general fund revenue shortfall or a major disaster declared by the governor, it is the intent of the legislature that the economic reserve and investment fund created in this section be used only after utilizing all funds in the budget stabilization fund provided in section 57-814, Idaho Code.
- SECTION 2. That Section 67-3520, Idaho Code, be, and the same is hereby repealed.
- SECTION 3. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a  $\underline{\text{NEW SECTION}}$ , to be known and designated as Section 57-814, Idaho Code, and to read as follows:
- 57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. The fund shall consist of moneys pursuant to subsection (2) of this section, including earnings, and any other appropriated moneys as set by the legislature. Interest earnings from the investment of moneys in this fund shall be credited to the budget stabilization fund, subject to the provisions of section 67-1210, Idaho Code.
- (2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund if the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess

of four percent (4%) to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the prior fiscal year. The state controller shall make the transfer upon the financial close of the current fiscal year.

(3) Appropriations of moneys from the budget stabilization fund in any year shall be limited to fifty percent (50%) of the current fund balance.

SECTION 4. That Section 40-719, Idaho Code, be, and the same is hereby amended to read as follows:

- 40-719. STRATEGIC INITIATIVES PROGRAM. (1) The Idaho transportation department shall establish and maintain a strategic initiatives program. The purpose of the program is to fund transportation projects that are proposed by the department's six (6) districts and local units of government. Proposed projects shall compete for strategic initiative program selection and funding on a statewide basis based on an analysis of their return on investment in the following categories:
  - (a) Safety, including the projected reduction of crashes, injuries and fatalities;
  - (b) Mobility, including projected traffic-flow improvements for freight and passenger cars;
  - (c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;
  - (d) The repair and maintenance of bridges; and

- (e) The purchase of public rights-of-way; and
- (f) Children pedestrian safety on the state and local system.
- (2) There is hereby established in the state treasury the strategic initiatives program fund to which shall be deposited:
  - (a) Notwithstanding the provisions of section 57-814, Idaho Code, the provisions of this paragraph shall only be in effect from the effective date of this act through May 31, 2019. After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is practicable, the state controller shall transfer fifty percent (50%) of any general fund excess to the strategic initiatives fund. Distributions from the economic reserve and investment fund established pursuant to section 67-3522, Idaho Code.
  - (b) Any other appropriated moneys for funding of the strategic initiatives program.
  - (c) Unless otherwise specified, moneys transferred into the strategic initiatives program fund after May  $3\theta\underline{1}$ ,  $2017\underline{9}$ , shall be apportioned as follows:
    - (i) Two million dollars (\$2,000,000), or four and one-half percent (4.5%) of the apportionment provided for in this paragraph,

whichever is less, shall be used for the purpose of funding children pedestrian safety projects on the state and local system.

- (ii) Following the allocation made in subparagraph (i) of this paragraph, ssixty percent (60%) to projects proposed by the Idaho transportation department's six (6) districts; and
- (iii) Following the allocation made in subparagraph (i) of this paragraph, fForty percent (40%) to local units of government for the purpose of operating a strategic initiatives program administered by the local highway technical assistance council established in section 40-2401, Idaho Code, for the purpose of issuing strategic initiatives program grants to local units of government. Provided however, a single countywide highway district formed pursuant to chapter 14, title 40, Idaho Code, may opt, in lieu of applying for a grant under this subparagraph, to receive moneys from the allocation under this subparagraph in the same proportion by which it received funding pursuant to section 40-709, Idaho Code, or by agreement, in the previous state fiscal year, if it provides notice of such decision to the local highway technical assistance council by September 1. Such decision shall remain in effect for the district's next two (2) fiscal years. Such district's funds shall not be limited to the categories provided in paragraphs (a) through (e) of subsection (1) of this section.
- (d) The strategic initiatives program for local units of government shall be exempt from the requirements contained in subsection (1) (c) of this section.
- (3) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for funding the strategic initiatives program according to this section.
- SECTION 5. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:
- 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203 and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:
- (1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.
- (2) Five  $\underline{\text{Ten}}$  million dollars ( $\$5\underline{10}$ ,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.
- (3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control account [fund] established by section 39-3628, Idaho Code.
- (4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously

appropriated and shall be paid to any capital reserve fund, established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts which the association determines will keep it self-supporting.

- (5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.
- (6) An amount required by the provisions of chapter 53, title 33, Idaho Code.
- (7) An amount required by the provisions of chapter 87, title 67, Idaho Code.
- (8) For fiscal year 2011, and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts, and one million nine hundred thousand dollars (\$1,900,000) of which shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection, shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection, be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.
- (9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.
- (10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state treasury, and the moneys in the revenue sharing account will be

paid in installments each calendar quarter by the state tax commission as follows:

- (a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:
  - (i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and
  - (ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.
- (b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:
  - (i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and
  - (ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;
- (c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to the cities and counties as follows:
  - (i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
  - (ii) If the dollar amount of money available under this subsection (10)(c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.
  - (iii) If the dollar amount of money available under this subsection (10)(c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.
  - (iv) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a county bears to the population of the state; and

- (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:
  - (i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
  - (ii) If the dollar amount of money available under this subsection (10)(d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.
  - (iii) If the dollar amount of money available under this subsection (10)(d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10)(d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered foregone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.
  - (iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts which were received in the last calendar quarter by each district prior to the consolidation.
  - (v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.
  - (vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (10) (d). (vii) For purposes of this subsection (10) (d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.
- (11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by

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each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

- (12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.
- (13) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (2) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2013, are not entitled to a payment under the provisions of this subsection.
- (14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts other-

wise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

- (15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.
- (16) One percent (1%) shall be distributed to the transportation expansion and congestion mitigation program established in section 40-720, Idaho Code. The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.
- SECTION 6. That Section 57-814, Idaho Code, as enacted by section 9, Chapter 341, Laws of 2015, be, and the same is hereby repealed.
- SECTION 7. That Section 13, Chapter 322, Laws of 2017, be, and the same is hereby amended to read as follows:
- SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, Sections 6 and 7 of this act shall be in full force and effect on and after passage and approval. Sections 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 of this act shall be in full force and effect on and after July 1, 2015. Section 7 of this act shall be null, void and of no force and effect on and after May 31, 2019. Sections 8 and 9 of this act shall be in full force and effect on and after May 31, 2019.
- SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 3, 4, 6, and 7 of this act shall be in full force and effect on and after June 1, 2019. Section 2 of this act shall be in full force and effect on and after September 1, 2019. Section 5 of this act shall be in full force and effect on and after July 1, 2019.".

## CORRECTION TO TITLE

On page 1, delete lines 2 through 7, and insert:

"RELATING TO MONEYS FOR TRANSPORTATION; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3522, IDAHO CODE, TO PROVIDE FOR THE ECONOMIC RESERVE AND INVESTMENT FUND; REPEALING SECTION 67-3520, IDAHO CODE, RELATING TO THE ECONOMIC RECOVERY RESERVE FUND; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-814, IDAHO CODE, REGARDING THE BUDGET STABILIZATION FUND; AMENDING SECTION 40-719, IDAHO CODE, TO PROVIDE MONEYS FOR THE STRATEGIC INITIATIVES PROGRAM AND TO PROVIDE FOR CERTAIN DISTRIBUTION OF STRATEGIC INITIATIVES PROGRAM MONEYS; AMENDING SECTION 63-3638, IDAHO CODE, TO INCREASE THE DISTRIBUTION OF CERTAIN SALES TAX MONEYS TO THE PERMANENT BUILDING FUND; REPEALING SECTION 57-814, IDAHO CODE, AS ENACTED BY SECTION 9, CHAPTER 341, LAWS OF 2015, RELATING TO THE BUDGET STABILIZATION FUND; AMENDING SECTION 13, CHAPTER 322, LAWS OF 2017, TO REMOVE AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.".