

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 623

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE BUDGET STABILIZATION FUND AND THE HIGHWAY DISTRIBUTION AC-
2 COUNT; AMENDING SECTION 57-814, IDAHO CODE, TO INCREASE THE ALLOWABLE
3 AMOUNT IN THE BUDGET STABILIZATION FUND, TO PROVIDE FOR CERTAIN DUTIES
4 OF THE STATE CONTROLLER, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
5 SECTION 40-701, IDAHO CODE, TO PROVIDE CERTAIN MONEYS FOR THE HIGHWAY
6 DISTRIBUTION ACCOUNT, TO PROVIDE FOR CERTAIN DUTIES OF THE STATE CON-
7 TROLLER, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY
8 AND PROVIDING EFFECTIVE DATES.
9

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

11 SECTION 1. That Section 57-814, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the
14 state treasury the budget stabilization fund for the purpose of meeting gen-
15 eral fund revenue shortfalls and to meet expenses incurred as the result of
16 a major disaster declared by the governor. All moneys in the budget reserve
17 account at the date of approval of this act shall be transferred to the bud-
18 get stabilization fund. Interest earnings from the investment of moneys in
19 this fund by the state treasurer shall be credited to the permanent building
20 ~~account~~ fund subject to the provisions of section 67-1210, Idaho Code.

21 (2) Subject to the requirements of section 63-3203, Idaho Code, the
22 state controller shall annually transfer moneys from the general fund to the
23 budget stabilization fund subject to the following criteria:

24 (a) If the state controller certifies that the receipts to the general
25 fund for the fiscal year just ending have exceeded the receipts of the
26 previous fiscal year by more than four percent (4%), then the state con-
27 troller shall transfer all general fund collections in excess of said
28 four percent (4%) increase to the budget stabilization fund, up to a
29 maximum of one percent (1%) of the actual general fund collections of
30 the prior fiscal year just ending. ~~The state controller shall make the~~
31 ~~transfers in four (4) equal amounts during September, December, March~~
32 ~~and June of the next fiscal year.~~ The state controller shall make the
33 transfer upon the financial close of the current fiscal year.

34 (b) The amount of moneys in the budget stabilization fund shall not ex-
35 ceed ~~ten~~ fifteen percent (~~10~~5%) of the total general fund receipts for
36 the fiscal year just ending.

37 (c) The state controller shall transfer moneys in the budget stabiliza-
38 tion fund in excess of the limit imposed in subsection (2) (b) of this
39 section to the general fund.

40 (3) If a majority of the membership of each house of the legislature
41 adopts a concurrent resolution requesting the amount of the transfer speci-

1 fied in subsection (2) of this section be reduced, the state controller shall
2 reduce the amount of the transfer.

3 (4) Appropriations of moneys from the budget stabilization fund in any
4 year shall be limited to fifty percent (50%) of the fund balance after the
5 fund balance has reached ten percent (10%) of total general fund receipts for
6 the fiscal year just ending.

7 (5) After the close of the fiscal year, the state controller shall de-
8 termine any excess cash balance in the general fund. When calculating any
9 excess cash balance, the state controller shall first provide for the end-
10 ing balance as determined by the legislative record to be carried over into
11 the next fiscal year plus an amount sufficient to cover encumbrances as ap-
12 proved by the division of financial management and an amount sufficient to
13 cover any reappropriation as authorized by the legislature. On July 1, or
14 as soon thereafter as practicable, the state controller shall transfer fifty
15 percent (50%) of any general fund excess to the budget stabilization fund.

16 SECTION 2. That Section 40-701, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is
19 established in the state treasury an account known as the "Highway Distribu-
20 tion Account," to which shall be credited:

21 (a) Moneys as provided by sections 63-2412(1)(f)4. and 63-2418(4),
22 Idaho Code;

23 (b) All moneys collected by the department, ~~their~~ its agents and ven-
24 dors, and county assessors and sheriffs, under the provisions of title
25 49, Idaho Code, except as otherwise specifically provided for; and

26 (c) All other moneys as may be provided by law.

27 (2) The highway distribution account shall be apportioned as follows:

28 (a) Thirty-eight percent (38%) in fiscal year 2021, thirty-eight and
29 one-half percent (38.5%) in fiscal year 2022, thirty-nine percent (39%)
30 in fiscal year 2023, thirty-nine and one-half percent (39.5%) in fis-
31 cal year 2024, thirty-nine and three-quarters percent (39.75%) in fis-
32 cal year 2025, and forty percent (40%) thereafter to local units of gov-
33 ernment as provided in section 40-709, Idaho Code;

34 (b) Fifty-seven percent (57%) in fiscal year 2021, fifty-seven and one-
35 half percent (57.5%) in fiscal year 2022, fifty-eight percent (58%) in
36 fiscal year 2023, fifty-eight and one-half percent (58.5%) in fiscal
37 year 2024, fifty-nine and one-quarter percent (59.25%) in fiscal year
38 2025, and sixty percent (60%) thereafter to the state highway account
39 established in section 40-702, Idaho Code; and

40 (c) Five percent (5%) in fiscal year 2021, four percent (4%) in fiscal
41 year 2022, three percent (3%) in fiscal year 2023, two percent (2%) in
42 fiscal year 2024, one percent (1%) in fiscal year 2025, and zero dollars
43 thereafter to the law enforcement ~~account~~ fund, established in section
44 67-2914, Idaho Code. The state controller shall cause the remittance of
45 the moneys apportioned to local units of government not later than Jan-
46 uary 25, April 25, July 25 and October 25 of each year, and to the law
47 enforcement ~~account~~ fund and the state highway account as the moneys be-
48 come available to the highway distribution account.

1 (3) All new revenues generated by increases in registration fees and
2 fees on electric and hybrid vehicles pursuant to the provisions of House
3 Bill No. 312, as amended in the Senate, as amended in the Senate, dur-
4 ing the first regular session of the sixty-third Idaho legislature, and all
5 revenues generated by fees on electric and plug-in hybrid vehicles pursuant
6 to the provisions of section 49-457, Idaho Code, shall be apportioned as fol-
7 lows:

8 (a) Forty percent (40%) to local units of government as provided in sec-
9 tion 40-709, Idaho Code; and

10 (b) Sixty percent (60%) to the state highway account established in
11 section 40-702, Idaho Code.

12 (4) Interest earned on the investment of idle moneys in the highway dis-
13 tribution account shall be paid to the highway distribution account.

14 (5) All idle moneys in the dedicated highway trust or asset accounts or
15 subaccounts established from highway user revenues, reimbursements, fees or
16 permits shall be invested by the state treasurer in the same manner as pro-
17 vided under section 67-1210, Idaho Code, with respect to other surplus or
18 idle moneys in the state treasury. Interest earned on the investments shall
19 be returned to the various highway trust or asset accounts and subaccounts.

20 (6) Notwithstanding the provisions of section 57-814, Idaho Code, af-
21 ter the close of the fiscal year, the state controller shall determine any
22 excess cash balance in the general fund. When calculating any excess cash
23 balance, the state controller shall first provide for the ending balance as
24 determined by the legislative record to be carried over into the next fiscal
25 year plus an amount sufficient to cover encumbrances as approved by the divi-
26 sion of financial management and an amount sufficient to cover any reappro-
27 priation as authorized by the legislature. On July 1, or as soon thereafter
28 as practicable, the state controller shall transfer fifty percent (50%) of
29 any general fund excess to the highway distribution account.

30 SECTION 3. An emergency existing therefor, which emergency is hereby
31 declared to exist, Section 2 of this act shall be in full force and effect on
32 and after passage and approval. Section 1 of this act shall be in full force
33 and effect on and after July 1, 2021.