

IN THE SENATE

SENATE BILL NO. 1206

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PROVIDING MONEYS FOR HIGHWAY CONSTRUCTION AND MAINTENANCE;
2 APPROVING GARVEE BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANS-
3 PORTATION PROJECTS; PROVIDING A DESCRIPTION OF PROJECTS TO BE FINANCED
4 WITH BOND PROCEEDS; LIMITING THE SCOPE OF THE PROJECTS; PROVIDING A
5 REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT;
6 PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING THAT BONDS BE IS-
7 SUED WHEN NECESSARY; AMENDING SECTION 40-315, IDAHO CODE, TO REMOVE
8 AN ELIGIBLE PROJECT; AMENDING SECTION 40-719, IDAHO CODE, TO REVISE
9 DISTRIBUTION FROM THE STRATEGIC INITIATIVES PROGRAM, TO ESTABLISH PRO-
10 VISIONS RELATING TO LOCAL UNITS OF GOVERNMENT AND TO MAKE TECHNICAL
11 CORRECTIONS; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION
12 OF A NEW SECTION 40-720, IDAHO CODE, TO ESTABLISH THE TRANSPORTATION
13 EXPANSION AND CONGESTION MITIGATION PROGRAM AND TO ESTABLISH A FUND;
14 AMENDING SECTION 57-814, IDAHO CODE, TO CLARIFY LANGUAGE AND MAKE TECH-
15 NICAL CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR
16 A DISTRIBUTION; AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR A
17 DISTRIBUTION TO A FUND; AMENDING SECTION 17, CHAPTER 341, LAWS OF 2015,
18 TO EXTEND A SUNSET DATE; AMENDING SECTION 7, CHAPTER 337, LAWS OF 2014,
19 TO REVISE A SUNSET CLAUSE; REPEALING SECTIONS 3, 4, 5 AND 6, CHAPTER
20 337, LAWS OF 2014; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND
21 PROVIDING EFFECTIVE DATES.
22

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

24 SECTION 1. The Legislature hereby approves bonding authority for the
25 issuance of highway transportation (GARVEE) bonds by the Idaho Housing and
26 Finance Association in a principal amount sufficient to finance new con-
27 struction of the highway transportation projects listed in Section 40-315,
28 Idaho Code, in an amount up to three hundred million dollars (\$300,000,000).
29 Moneys may be expended only on the original corridors enumerated in Section
30 40-315, Idaho Code. Such bonds are expected to be paid from continuing ap-
31 propriations of federal funds from the State Highway Account as provided in
32 Section 40-707, Idaho Code.

33 SECTION 2. The Legislature finds that the bonding authority provided in
34 Section 1 of this act shall be used in a manner that does not obligate future
35 legislatures or governors for additional bonding authority.

36 SECTION 3. The Idaho Transportation Board and the Idaho Transportation
37 Department are hereby directed to neither increase the scope nor in any man-
38 ner extend or enlarge the transportation projects listed in Section 40-315,
39 Idaho Code.

40 SECTION 4. To the extent the Idaho Transportation Board and the Idaho
41 Transportation Department determine that management services are necessary

1 to implement the projects funded by the bonds issued under the authority pro-
 2 vided in Section 1 of this act, any agreement governing such services shall,
 3 to the extent possible, be fully transparent to the public and to the Legis-
 4 lature.

5 SECTION 5. The bonds issued under the authority provided in Section 1
 6 of this act shall be issued upon an approved resolution by the Idaho Trans-
 7 portation Board requesting the Idaho Housing and Finance Association to is-
 8 sue bonds in amounts necessary to ensure that: the funds are necessary to
 9 meet program obligation requirements; the funds will be used and disbursed
 10 in accordance with United States Treasury regulations to ensure tax-exempt
 11 status is retained; and the bonds are issued at prevailing market rates of
 12 interest. It is the request of the Legislature that the issuance is depen-
 13 dent upon advantageous market rates and costs of bonding transactions.

14 SECTION 6. The bonds described herein in Section 1 of this act shall be
 15 issued when necessary as determined by the Idaho Transportation Board.

16 SECTION 7. That Section 40-315, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 40-315. POWERS AND DUTIES -- FEDERALLY-FUNDED HIGHWAY PROJECT FINANC-
 19 ING. (1) In order to address the increasing need for timely improvements to
 20 Idaho's highway transportation infrastructure, the board may:

21 (a) Enter into agreements with the Idaho housing and finance associa-
 22 tion in connection with the funding of highway transportation projects
 23 qualifying for reimbursement from federal funds.

24 (b) Approve and recommend federal highway transportation projects to
 25 the Idaho housing and finance association for financing by the associ-
 26 ation. Such federal highway transportation projects shall be eligible
 27 for federal-aid debt financing under chapter 1, title 23, United States
 28 Code, and approval by the federal highway administration as an advanced
 29 construction (AC) project thereunder. The board shall select and des-
 30 ignate such transportation projects to be funded with bond proceeds
 31 from the following list of eligible projects:

32	ROUTE	PROJECT DESCRIPTION
33	US-95	SH-1 to Canadian border
34	US-95	Garwood to Sagle
35	US-95	Worley to Setters
36	US-95	Thorn Creek to Moscow
37	US 95	Smokey Boulder to Hazard Creek
38	SH 16 Ext	South Emmett to Mesa with connection to SH-55
39	SH-16 Ext	I-84 to South Emmett
40	I-84	Caldwell to Meridian
41	I-84	Orchard to Isaacs Canyon

1 US-93 Twin Falls alternate route and new Snake River
 2 crossing
 3 SH-75 Timmerman to Ketchum
 4 US-20 St. Anthony to Ashton
 5 US-30 McCammon to Soda Springs

6 (c) On and after July 1, 2008, all allocations of GARVEE bond proceeds
 7 shall be the sole responsibility and duty of the Idaho transportation
 8 board. The legislature shall have authority to approve a total GARVEE
 9 bond amount on an annual basis. However, the Idaho transportation board
 10 is directed to allocate bond revenue only among the projects listed in
 11 subsection (1) (b) of this section. In making its funding allocation
 12 for projects, the board shall take into consideration: the cost of the
 13 project and whether or not that project could be financed without bond-
 14 ing; whether the project is necessary to facilitate the traffic flow on
 15 vital transportation corridors; and whether the project is necessary
 16 to improve safety for the traveling public. On and after July 1, 2008,
 17 the board shall use due care in selecting projects for bonding and shall
 18 balance and coordinate the use of bonding with the use of highway con-
 19 struction moneys.

20 Notwithstanding the provisions of subsection (1) (b) of this section wherein
 21 eligible projects are listed for selection and designation by the board, if
 22 any of the designated projects are deemed to be ineligible by the board, the
 23 board shall have the authority to replace those projects with other projects
 24 listed in subsection (1) (b) of this section.

25 (2) Prior to issuance by the Idaho housing and finance association of
 26 any bonds or notes to finance highway transportation projects, the board
 27 shall certify to the association that sufficient federal transportation
 28 funds are available to make any payments required for such bonds or notes.

29 (3) The board shall limit annual, total cumulative debt service and
 30 other bond-related expenses as follows:

31 (a) In the 2006 legislative session for the fiscal year 2007 budget, to-
 32 tal cumulative debt service and other bond-related expenses on feder-
 33 ally-funded highway project financing shall be no more than twenty per-
 34 cent (20%) of annual federal-aid highway apportionments.

35 (b) In the 2007 legislative session for the fiscal year 2008 budget, to-
 36 tal cumulative debt service and other bond-related expenses on feder-
 37 ally-funded highway project financing shall be no more than twenty per-
 38 cent (20%) of annual federal-aid highway apportionments.

39 (c) In the 2008 legislative session for the fiscal year 2009 budget, to-
 40 tal cumulative debt service and other bond-related expenses on feder-
 41 ally-funded highway project financing shall be no more than twenty per-
 42 cent (20%) of annual federal-aid highway apportionments.

43 (d) In the 2009 legislative session for the fiscal year 2010 budget, to-
 44 tal cumulative debt service and other bond-related expenses on feder-
 45 ally-funded highway project financing shall be no more than twenty per-
 46 cent (20%) of annual federal-aid highway apportionments.

47 (e) In the 2010 legislative session for the fiscal year 2011 budget, to-
 48 tal cumulative debt service and other bond-related expenses on feder-

1 ally-funded highway project financing shall be no more than thirty per-
2 cent (30%) of annual federal-aid highway apportionments.

3 (f) Beginning with the 2011 legislative session for the fiscal year
4 2012 budget, or for any year thereafter, the thirty percent (30%) limit
5 may be exceeded, but only by affirmative action of both the house of
6 representatives and the senate, and with the approval of the governor.

7 (4) In the event the board selects and designates to be funded with bond
8 proceeds any of the transportation projects listed in subsection (1) of this
9 section, and prior to entering into agreements with the Idaho housing and fi-
10 nance association as provided herein, the Idaho transportation department,
11 as part of its annual budget request prepared pursuant to section 67-3502,
12 Idaho Code, shall include a request for bonding authority as a separate item
13 of its budget request. This request for bonding authority shall include a
14 list of planned highway transportation projects to be financed with such
15 bond financing during the next succeeding fiscal year.

16 (5) By June 30 of each year, the board shall submit a report to the leg-
17 islature concerning projects currently under construction using the bond
18 financing as authorized by the provisions of this section, and shall include
19 a list of planned highway transportation projects to be financed with such
20 bond financing during the next succeeding fiscal year.

21 SECTION 8. That Section 40-719, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 40-719. STRATEGIC INITIATIVES PROGRAM. (1) The Idaho transportation
24 department shall establish and maintain a strategic initiatives program.
25 The purpose of the program is to fund transportation projects that are pro-
26 posed by the department's six (6) districts and local units of government.
27 Proposed projects shall compete for strategic initiative program selection
28 and funding on a statewide basis based on an analysis of their return on in-
29 vestment in the following categories:

30 (a) Safety, including the projected reduction of crashes, injuries and
31 fatalities;

32 (b) Mobility, including projected traffic-flow improvements for
33 freight and passenger cars;

34 (c) Economic opportunity, including the projected cost-benefit ratio
35 for users and businesses;

36 (d) The repair and maintenance of bridges; and

37 (e) The purchase of public rights-of-way.

38 (2) There is hereby established in the state treasury the strategic
39 initiatives program fund to which shall be deposited:

40 (a) Notwithstanding the provisions of section 57-814, Idaho Code, the
41 provisions of this paragraph shall only be in effect from the effective
42 date of this act through May 31, 2017~~19~~. ~~The state controller shall~~
43 ~~transfer fifty percent (50%) of any excess cash balance from the gen-~~
44 ~~eral fund to the strategic initiatives program fund upon the financial~~
45 ~~close of the current fiscal year subject to the following criteria:~~
46 ~~When calculating any excess cash balance the state controller shall~~
47 ~~first provide for the ending balance as determined by the legislative~~
48 ~~record to be carried over into the next fiscal year, plus an amount suf-~~
49 ~~ficient to cover encumbrances as approved by the division of financial~~

1 ~~management, and an amount sufficient to cover any reappropriation as~~
 2 ~~authorized by the legislature~~ After the close of the fiscal year, the
 3 ~~state controller shall determine any excess cash balance in the general~~
 4 ~~fund. When calculating any excess cash balance the state controller~~
 5 ~~shall first provide for the ending balance as determined by the legisla-~~
 6 ~~tive record to be carried over into the next fiscal year, plus an amount~~
 7 ~~sufficient to cover encumbrances as approved by the division of finan-~~
 8 ~~cial management, and an amount sufficient to cover any reappropriation~~
 9 ~~as authorized by the legislature. On July 1, or as soon thereafter as is~~
 10 ~~practicable, the state controller shall transfer fifty percent (50%) of~~
 11 ~~any general fund excess to the strategic initiatives fund.~~

12 (b) Any other appropriated moneys for funding of the strategic initia-
 13 tives program.

14 (c) Unless otherwise specified, moneys transferred into the strate-
 15 gic initiatives program fund after May 30, 2017, shall be apportioned as
 16 follows:

17 (i) Sixty percent (60%) to projects proposed by the Idaho trans-
 18 portation department's six (6) districts; and

19 (ii) Forty percent (40%) to local units of government for the pur-
 20 pose of operating a strategic initiatives program administered
 21 by the local highway technical assistance council established in
 22 section 40-2401, Idaho Code.

23 (d) The strategic initiatives program for local units of government
 24 shall be exempt from the requirements contained in subsection (1) (c) of
 25 this section.

26 (3) Interest earned on the investment of idle moneys in the fund shall
 27 be paid to the fund. All moneys in the fund shall be used for funding the
 28 strategic initiatives program.

29 SECTION 9. That Chapter 7, Title 40, Idaho Code, be, and the same is
 30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 31 ignated as Section 40-720, Idaho Code, and to read as follows:

32 40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM
 33 -- FUND ESTABLISHED. (1) The Idaho transportation department shall es-
 34 tablish and maintain a transportation expansion and congestion mitigation
 35 program.

36 (2) The fund established pursuant to this section shall finance
 37 projects that expand the state system to address and mitigate transportation
 38 congestion. The projects shall be evaluated by the Idaho transportation
 39 department and shall be chosen by the Idaho transportation board based on a
 40 policy that may include mitigation of traffic times, improvement to traffic
 41 flow and mitigation of traffic congestion.

42 (3) There is hereby established in the state treasury the transporta-
 43 tion expansion and congestion mitigation fund, to which shall be deposited:

44 (a) All moneys distributed pursuant to section 63-2520, Idaho Code;

45 (b) All moneys distributed pursuant to section 63-3638, Idaho Code; and

46 (c) Any other appropriated moneys for funding the transportation ex-
 47 pansion and congestion mitigation program.

1 (4) Interest earned on the investment of idle moneys in the fund shall
2 be paid to the fund. All moneys in the fund shall be used for the transporta-
3 tion expansion and congestion mitigation program.

4 SECTION 10. That Section 57-814, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the
7 state treasury the budget stabilization fund for the purpose of meeting gen-
8 eral fund revenue shortfalls and to meet expenses incurred as the result of
9 a major disaster declared by the governor. All moneys in the budget reserve
10 account at the date of approval of this act shall be transferred to the budget
11 stabilization fund. Interest earnings from the investment of moneys in this
12 fund by the state treasurer shall be credited to the permanent building ac-
13 count subject to the provisions of section 67-1210, Idaho Code.

14 (2) Subject to the requirements of section 63-3203, Idaho Code, the
15 state controller shall annually transfer moneys from the general fund to
16 the budget stabilization fund if the state controller certifies that the
17 receipts to the general fund for the fiscal year just ending have exceeded
18 the receipts of the previous fiscal year by more than four percent (4%), then
19 the state controller shall transfer all general fund collections in excess
20 of said four percent (4%) to the budget stabilization fund, up to a maximum of
21 one percent (1%) of the actual general fund collections of the prior fiscal
22 year. The state controller shall make the transfer upon the financial close
23 of the current fiscal year.

24 ~~(3) The state controller shall transfer fifty percent (50%) of any ex-~~
25 ~~cess cash balance from the general fund to the budget stabilization fund upon~~
26 ~~the financial close of the current fiscal year subject to the following cri-~~
27 ~~teria: When calculating any excess cash balance the state controller shall~~
28 ~~first provide for the ending balance as determined by the legislative record~~
29 ~~to be carried over into the next fiscal year, plus an amount sufficient to~~
30 ~~cover encumbrances as approved by the division of financial management, and~~
31 ~~an amount sufficient to cover any reappropriation as authorized by the leg-~~
32 ~~islature After the close of the fiscal year, the state controller shall de-~~
33 ~~termine any excess cash balance in the general fund. When calculating any~~
34 ~~excess cash balance the state controller shall first provide for the end-~~
35 ~~ing balance as determined by the legislative record to be carried over into~~
36 ~~the next fiscal year, plus an amount sufficient to cover encumbrances as ap-~~
37 ~~proved by the division of financial management, and an amount sufficient to~~
38 ~~cover any reappropriation as authorized by the legislature. On July 1, or as~~
39 ~~soon thereafter as is practicable, the state controller shall transfer fifty~~
40 ~~percent (50%) of any general fund excess to the budget stabilization fund.~~

41 (4) If a majority of the membership of each house of the legislature
42 adopt a concurrent resolution requesting the amount of the transfer speci-
43 fied in subsection (2) of this section be reduced, the state controller shall
44 reduce the amount of the transfer.

45 (5) Appropriations of moneys from the budget stabilization fund in
46 any year shall be limited to fifty percent (50%) after the fund balance has
47 reached ten percent (10%).

1 SECTION 11. That Section 63-3638, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
4 chapter, except as may otherwise be required in sections 63-3203 and
5 63-3709, Idaho Code, and except as provided in subsection (16) of this sec-
6 tion, shall be distributed by the state tax commission as follows:

7 (1) An amount of money shall be distributed to the state refund account
8 sufficient to pay current refund claims. All refunds authorized under this
9 chapter by the state tax commission shall be paid through the state refund
10 account, and those moneys are continuously appropriated.

11 (2) Five million dollars (\$5,000,000) per year is continuously appro-
12 priated and shall be distributed to the permanent building fund, provided by
13 section 57-1108, Idaho Code.

14 (3) Four million eight hundred thousand dollars (\$4,800,000) per year
15 is continuously appropriated and shall be distributed to the water pollution
16 control account established by section 39-3628, Idaho Code.

17 (4) An amount equal to the sum required to be certified by the chair-
18 man of the Idaho housing and finance association to the state tax commis-
19 sion pursuant to section 67-6211, Idaho Code, in each year is continuously
20 appropriated and shall be paid to any capital reserve fund, established by
21 the Idaho housing and finance association pursuant to section 67-6211, Idaho
22 Code. Such amounts, if any, as may be appropriated hereunder to the capital
23 reserve fund of the Idaho housing and finance association shall be repaid for
24 distribution under the provisions of this section, subject to the provisions
25 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-
26 tion, as soon as possible, from any moneys available therefor and in excess
27 of the amounts which the association determines will keep it self-support-
28 ing.

29 (5) An amount equal to the sum required by the provisions of sections
30 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
31 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
32 paid as provided by sections 63-709 and 63-717, Idaho Code.

33 (6) An amount required by the provisions of chapter 53, title 33, Idaho
34 Code.

35 (7) An amount required by the provisions of chapter 87, title 67, Idaho
36 Code.

37 (8) For fiscal year 2011, and each fiscal year thereafter, four million
38 one hundred thousand dollars (\$4,100,000), of which two million two hundred
39 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four
40 (44) counties in equal amounts, and one million nine hundred thousand dol-
41 lars (\$1,900,000) of which shall be distributed to the forty-four (44) coun-
42 ties in the proportion that the population of the county bears to the popula-
43 tion of the state. For fiscal year 2012, and for each fiscal year thereafter,
44 the amount distributed pursuant to this subsection, shall be adjusted annu-
45 ally by the state tax commission in accordance with the consumer price index
46 for all urban consumers (CPI-U) as published by the U.S. department of la-
47 bor, bureau of labor statistics, but in no fiscal year shall the total amount
48 allocated for counties under this subsection, be less than four million one
49 hundred thousand dollars (\$4,100,000). Any increase resulting from the ad-

1 justment required in this section shall be distributed to each county in the
2 proportion that the population of the county bears to the population of the
3 state. Each county shall establish a special election fund to which shall be
4 deposited all revenues received from the distribution pursuant to this sub-
5 section. All such revenues shall be used exclusively to defray the costs as-
6 sociated with conducting elections as required of county clerks by the pro-
7 visions of section 34-1401, Idaho Code.

8 (9) One dollar (\$1.00) on each application for certificate of title
9 or initial application for registration of a motor vehicle, snowmobile,
10 all-terrain vehicle or other vehicle processed by the county assessor or the
11 Idaho transportation department excepting those applications in which any
12 sales or use taxes due have been previously collected by a retailer, shall be
13 a fee for the services of the assessor of the county or the Idaho transporta-
14 tion department in collecting such taxes, and shall be paid into the current
15 expense fund of the county or state highway account established in section
16 40-702, Idaho Code.

17 (10) Eleven and five-tenths percent (11.5%) is continuously appropri-
18 ated and shall be distributed to the revenue sharing account which is created
19 in the state treasury, and the moneys in the revenue sharing account will be
20 paid in installments each calendar quarter by the state tax commission as
21 follows:

22 (a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the
23 various cities as follows:

24 (i) Fifty percent (50%) of such amount shall be paid to the vari-
25 ous cities, and each city shall be entitled to an amount in the pro-
26 portion that the population of that city bears to the population of
27 all cities within the state; and

28 (ii) Fifty percent (50%) of such amount shall be paid to the vari-
29 ous cities, and each city shall be entitled to an amount in the pro-
30 portion that the preceding year's market value for assessment pur-
31 poses for that city bears to the preceding year's market value for
32 assessment purposes for all cities within the state.

33 (b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the
34 various counties as follows:

35 (i) One million three hundred twenty thousand dollars
36 (\$1,320,000) annually shall be distributed one forty-fourth
37 (1/44) to each of the various counties; and

38 (ii) The balance of such amount shall be paid to the various coun-
39 ties, and each county shall be entitled to an amount in the propor-
40 tion that the population of that county bears to the population of
41 the state;

42 (c) Thirty-five and nine-tenths percent (35.9%) of the amount appro-
43 priated in this subsection shall be paid to the several counties for
44 distribution to the cities and counties as follows:

45 (i) Each city and county which received a payment under the provi-
46 sions of section 63-3638(e), Idaho Code, during the fourth quarter
47 of calendar year 1999, shall be entitled to a like amount during
48 succeeding calendar quarters.

49 (ii) If the dollar amount of money available under this subsection
50 (10) (c) in any quarter does not equal the amount paid in the fourth

1 quarter of calendar year 1999, each city's and county's payment
2 shall be reduced proportionately.

3 (iii) If the dollar amount of money available under this subsec-
4 tion (10) (c) in any quarter exceeds the amount paid in the fourth
5 quarter of calendar year 1999, each city and county shall be en-
6 titled to a proportionately increased payment, but such increase
7 shall not exceed one hundred five percent (105%) of the total pay-
8 ment made in the fourth quarter of calendar year 1999.

9 (iv) If the dollar amount of money available under this subsection
10 (10) (c) in any quarter exceeds one hundred five percent (105%) of
11 the total payment made in the fourth quarter of calendar year 1999,
12 any amount over and above such one hundred five percent (105%)
13 shall be paid fifty percent (50%) to the various cities in the pro-
14 portion that the population of the city bears to the population of
15 all cities within the state, and fifty percent (50%) to the various
16 counties in the proportion that the population of a county bears to
17 the population of the state; and

18 (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in
19 this subsection shall be paid to the several counties for distribution
20 to special purpose taxing districts as follows:

21 (i) Each such district which received a payment under the pro-
22 visions of section 63-3638 (e), Idaho Code, as such subsection ex-
23 isted immediately prior to July 1, 2000, during the fourth quarter
24 of calendar year 1999, shall be entitled to a like amount during
25 succeeding calendar quarters.

26 (ii) If the dollar amount of money available under this subsec-
27 tion (10) (d) in any quarter does not equal the amount paid in the
28 fourth quarter of calendar year 1999, each special purpose taxing
29 district's payment shall be reduced proportionately.

30 (iii) If the dollar amount of money available under this subsec-
31 tion (10) (d) in any quarter exceeds the amount distributed under
32 paragraph (i) of this subsection (10) (d), each special purpose
33 taxing district shall be entitled to a share of the excess based on
34 the proportion each such district's current property tax budget
35 bears to the sum of the current property tax budgets of all such
36 districts in the state. The state tax commission shall calculate
37 district current property tax budgets to include any unrecovered
38 foregone amounts as determined under section 63-802(1) (e), Idaho
39 Code. When a special purpose taxing district is situated in more
40 than one (1) county, the state tax commission shall determine the
41 portion attributable to the special purpose taxing district from
42 each county in which it is situated.

43 (iv) If special purpose taxing districts are consolidated, the
44 resulting district is entitled to a base amount equal to the sum of
45 the base amounts which were received in the last calendar quarter
46 by each district prior to the consolidation.

47 (v) If a special purpose taxing district is dissolved or disin-
48 corporated, the state tax commission shall continuously distrib-
49 ute to the board of county commissioners an amount equal to the
50 last quarter's distribution prior to dissolution or disincorpora-

1 tion. The board of county commissioners shall determine any re-
2 distribution of moneys so received.

3 (vi) Taxing districts formed after January 1, 2001, are not enti-
4 tled to a payment under the provisions of this subsection (10) (d).

5 (vii) For purposes of this subsection (10) (d), a special purpose
6 taxing district is any taxing district which is not a city, a
7 county or a school district.

8 (11) Amounts calculated in accordance with section 2, chapter 356, laws
9 of 2001, for annual distribution to counties and other taxing districts be-
10 ginning in October 2001 for replacement of property tax on farm machinery and
11 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool
12 districts, the state tax commission shall distribute one-fourth (1/4) of
13 this amount certified quarterly to each county. For school districts, the
14 state tax commission shall distribute one-fourth (1/4) of the amount certi-
15 fied quarterly to each school district. For nonschool districts, the county
16 auditor shall distribute to each district within thirty (30) calendar days
17 from receipt of moneys from the state tax commission. Moneys received by
18 each taxing district for replacement shall be utilized in the same manner
19 and in the same proportions as revenues from property taxation. The moneys
20 remitted to the county treasurer for replacement of property exempt from
21 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the
22 counties and other taxing districts and budgeted at the same time, in the
23 same manner and in the same year as revenues from taxation on personal prop-
24 erty which these moneys replace. If taxing districts are consolidated, the
25 resulting district is entitled to an amount equal to the sum of the amounts
26 which were received in the last calendar quarter by each district pursuant
27 to this subsection prior to the consolidation. If a taxing district is
28 dissolved or disincorporated, the state tax commission shall continuously
29 distribute to the board of county commissioners an amount equal to the
30 last quarter's distribution prior to dissolution or disincorporation. The
31 board of county commissioners shall determine any redistribution of moneys
32 so received. If a taxing district annexes territory, the distribution of
33 moneys received pursuant to this subsection shall be unaffected. Taxing
34 districts formed after January 1, 2001, are not entitled to a payment under
35 the provisions of this subsection. School districts shall receive an amount
36 determined by multiplying the sum of the year 2000 school district levy mi-
37 nus .004 times the market value on December 31, 2000, in the district of the
38 property exempt from taxation pursuant to section 63-602EE, Idaho Code, pro-
39 vided that the result of these calculations shall not be less than zero (0).
40 The result of these school district calculations shall be further increased
41 by six percent (6%). For purposes of the limitation provided by section
42 63-802, Idaho Code, moneys received pursuant to this section as property tax
43 replacement for property exempt from taxation pursuant to section 63-602EE,
44 Idaho Code, shall be treated as property tax revenues.

45 (12) Amounts necessary to pay refunds as provided in section 63-3641,
46 Idaho Code, to a developer of a retail complex shall be remitted to the demon-
47 stration pilot project fund created in section 63-3641, Idaho Code.

48 (13) Amounts calculated in accordance with subsection (4) of section
49 63-602KK, Idaho Code, for annual distribution to counties and other taxing
50 districts for replacement of property tax on personal property tax exemp-

1 tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which
2 amounts are continuously appropriated unless the legislature enacts a dif-
3 ferent appropriation for a particular fiscal year. For purposes of the
4 limitation provided by section 63-802, Idaho Code, moneys received pursuant
5 to this section as property tax replacement for property exempt from taxa-
6 tion pursuant to section 63-602KK, Idaho Code, shall be treated as property
7 tax revenues. If taxing districts are consolidated, the resulting district
8 is entitled to an amount equal to the sum of the amounts that were received in
9 the last calendar year by each district pursuant to this subsection prior to
10 the consolidation. If a taxing district or revenue allocation area annexes
11 territory, the distribution of moneys received pursuant to this subsection
12 shall be unaffected. Taxing districts and revenue allocation areas formed
13 after January 1, 2013, are not entitled to a payment under the provisions of
14 this subsection.

15 (14) Amounts collected from purchasers and paid to the state of Idaho by
16 retailers that are not engaged in business in this state and which retailer
17 would not have been required to collect the sales tax, less amounts other-
18 wise distributed in subsections (1) and (10) of this section, shall be dis-
19 tributed to the tax relief fund created in section 57-811, Idaho Code. The
20 state tax commission will determine the amounts to be distributed under this
21 subsection.

22 (15) Any moneys remaining over and above those necessary to meet and
23 reserve for payments under other subsections of this section shall be dis-
24 tributed to the general fund.

25 (16) One percent (1%) shall be distributed to the transportation expan-
26 sion and congestion mitigation program established in section 40-720, Idaho
27 Code. The distribution provided for in this subsection must immediately
28 follow the distribution provided for in subsection (10) of this section.

29 SECTION 12. That Section 63-2520, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the
32 taxes imposed by this chapter, and any revenues received from licenses, per-
33 mits, penalties, interest, or deficiency additions, shall be distributed by
34 the state tax commission as follows:

35 (a) An amount of money shall be distributed to the state refund account
36 sufficient to pay current refund claims. All refunds authorized under this
37 chapter by the state tax commission shall be paid through the state refund
38 account, and those moneys are continuously appropriated.

39 (b) On and after July 1, 2014, the balance remaining with the state
40 treasurer after deducting the amount described in subsection (a) of this
41 section shall be distributed as follows:

42 (1) Five million dollars (\$5,000,000) shall be distributed to the per-
43 manent building fund created by section 57-1108, Idaho Code.

44 (2) One hundred twenty thousand dollars (\$120,000) shall be dis-
45 tributed to the central cancer registry fund and is subject to appropri-
46 ation as provided for in chapter 35, title 67, Idaho Code.

47 (3) Three hundred thousand dollars (\$300,000) shall be distributed to
48 the cancer control fund created by section 57-1702, Idaho Code, and is

1 subject to appropriation as provided for in chapter 35, title 67, Idaho
2 Code.

3 (4) An amount equal to the annual general fund appropriation for
4 bond levy equalization, less the amount distributed under section
5 67-7434(1), Idaho Code, if applicable, pursuant to section 33-906,
6 Idaho Code, shall be annually distributed to the general fund.

7 (5) All remaining moneys shall be distributed as follows: For fiscal
8 years on and after July 1, 2006, all moneys shall be distributed to the
9 permanent building fund with the moneys to be used for the repair, re-
10 model and restoration of the state capitol building and state facili-
11 ties pertaining to the capitol restoration until such time as the capi-
12 tol restoration is adequately funded as certified by the director of the
13 department of administration. Thereafter, all remaining moneys shall
14 be distributed in the following priority order:

15 (i) Four million seven hundred thousand dollars (\$4,700,000) to
16 be used for the purpose of paying the state match as required for
17 federal funds committed to pay the annual scheduled GARVEE debt
18 service until such time as the Idaho housing and finance associ-
19 ation certifies that any such bonds or notes are adequately paid
20 for, in accordance with chapter 62, title 67, Idaho Code;

21 (ii) Five million dollars (\$5,000,000) to the secondary aquifer
22 planning, management and implementation fund as established
23 in section 42-1780, Idaho Code. Such moneys shall be used for
24 statewide aquifer stabilization; and

25 (iii) All remaining moneys following distributions pursuant to
26 subparagraphs (i) and (ii) of this paragraph shall be distributed
27 to the ~~state highway account for the purpose of paying for the~~
28 ~~maintenance and repair (and including purchase of rights-of-way)~~
29 ~~of the state highway system~~ transportation expansion and conges-
30 tion mitigation fund established in section 40-720, Idaho Code.

31 SECTION 13. That Section 17, Chapter 341, Laws of 2015, be, and the same
32 is hereby amended to read as follows:

33 SECTION 17. An emergency existing therefor, which emergency is hereby
34 declared to exist, Sections 6 and 7 of this act shall be in full force and ef-
35 fect on and after passage and approval. Sections 1, 2, 3, 4, 5, 10, 11, 12,
36 13, 14, 15 and 16 of this act shall be in full force and effect on and after
37 July 1, 2015. Section 7 of this act shall be null, void and of no force and ef-
38 fect on and after May 31, 2017~~9~~. Sections 8 and 9 of this act shall be in full
39 force and effect on and after May 31, 2017~~9~~.

40 SECTION 14. That Section 7, Chapter 337, Laws of 2014, be, and the same
41 is hereby amended to read as follows:

42 SECTION 7. Sections 1 and 2 of this act shall be in full force and ef-
43 fect on and after July 1, 2014. ~~Sections 3, 4, 5 and 6 shall be in full force~~
44 ~~and effect on and after July 1, 2019.~~

45 SECTION 15. That Sections 3, 4, 5 and 6, Chapter 337, Laws of 2014, be,
46 and the same are hereby repealed.

1 SECTION 16. SEVERABILITY. The provisions of this act are hereby de-
2 clared to be severable and if any provision of this act or the application
3 of such provision to any person or circumstance is declared invalid for any
4 reason, such declaration shall not affect the validity of the remaining por-
5 tions of this act.

6 SECTION 17. An emergency existing therefor, which emergency is hereby
7 declared to exist, Section 13 of this act shall be in full force and effect on
8 and after passage and approval. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
9 14, 15 and 16 of this act shall be in full force and effect on and after July 1,
10 2017.