

IN THE SENATE

SENATE BILL NO. 1220

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO SALES TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO CLARIFY THE
2 DISTRIBUTION PROCESS OF SALES TAX REVENUE AND TO MAKE TECHNICAL CORREC-
3 TIONS.
4

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

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

8 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
9 chapter, except as may otherwise be required in sections 63-3203 and
10 63-3709, Idaho Code, ~~and except as provided in subsection (16) of this sec-~~
11 ~~tion,~~ shall be distributed by the state tax commission as follows:

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

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

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

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

34 (5) An amount equal to the sum required by the provisions of sections
35 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
36 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
37 paid as provided by sections 63-709 and 63-717, Idaho Code.

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

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

1 (8) For fiscal year 2011, and each fiscal year thereafter, four million
 2 one hundred thousand dollars (\$4,100,000), of which two million two hundred
 3 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four
 4 (44) counties in equal amounts, and one million nine hundred thousand dol-
 5 lars (\$1,900,000) of which shall be distributed to the forty-four (44) coun-
 6 ties in the proportion that the population of the county bears to the popula-
 7 tion of the state. For fiscal year 2012, and for each fiscal year thereafter,
 8 the amount distributed pursuant to this subsection, shall be adjusted annu-
 9 ally by the state tax commission in accordance with the consumer price index
 10 for all urban consumers (CPI-U) as published by the U.S. department of la-
 11 bor, bureau of labor statistics, but in no fiscal year shall the total amount
 12 allocated for counties under this subsection, be less than four million one
 13 hundred thousand dollars (\$4,100,000). Any increase resulting from the ad-
 14 justment required in this section shall be distributed to each county in the
 15 proportion that the population of the county bears to the population of the
 16 state. Each county shall establish a special election fund to which shall be
 17 deposited all revenues received from the distribution pursuant to this sub-
 18 section. All such revenues shall be used exclusively to defray the costs as-
 19 sociated with conducting elections as required of county clerks by the pro-
 20 visions of section 34-1401, Idaho Code.

21 (9) One dollar (\$1.00) on each application for certificate of title
 22 or initial application for registration of a motor vehicle, snowmobile,
 23 all-terrain vehicle or other vehicle processed by the county assessor or the
 24 Idaho transportation department excepting those applications in which any
 25 sales or use taxes due have been previously collected by a retailer, shall be
 26 a fee for the services of the assessor of the county or the Idaho transporta-
 27 tion department in collecting such taxes, and shall be paid into the current
 28 expense fund of the county or state highway account established in section
 29 40-702, Idaho Code.

30 (10) After reducing all moneys collected under this chapter as may
 31 be required by sections 63-3203 and 63-3709, Idaho Code, eEleven and
 32 five-tenths percent (11.5%) of the balance remaining is continuously ap-
 33 propriated and shall be distributed to the revenue sharing account which is
 34 created in the state treasury, and the moneys in the revenue sharing account
 35 will be paid in installments each calendar quarter by the state tax commis-
 36 sion as follows:

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

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

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

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

1 (i) One million three hundred twenty thousand dollars
2 (\$1,320,000) annually shall be distributed one forty-fourth
3 (1/44) to each of the various counties; and

4 (ii) The balance of such amount shall be paid to the various coun-
5 ties, and each county shall be entitled to an amount in the propor-
6 tion that the population of that county bears to the population of
7 the state;

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

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

15 (ii) If the dollar amount of money available under this subsection
16 (10) (c) in any quarter does not equal the amount paid in the fourth
17 quarter of calendar year 1999, each city's and county's payment
18 shall be reduced proportionately.

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

25 (iv) If the dollar amount of money available under this subsection
26 (10) (c) in any quarter exceeds one hundred five percent (105%) of
27 the total payment made in the fourth quarter of calendar year 1999,
28 any amount over and above such one hundred five percent (105%)
29 shall be paid fifty percent (50%) to the various cities in the pro-
30 portion that the population of the city bears to the population of
31 all cities within the state, and fifty percent (50%) to the various
32 counties in the proportion that the population of a county bears to
33 the population of the state; and

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

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

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

46 (iii) If the dollar amount of money available under this subsec-
47 tion (10) (d) in any quarter exceeds the amount distributed under
48 paragraph (i) of this subsection (10) (d), each special purpose
49 taxing district shall be entitled to a share of the excess based
50 on the proportion each such district's current property tax bud-

1 get bears to the sum of the current property tax budgets of all
2 such districts in the state. The state tax commission shall
3 calculate district current property tax budgets to include any
4 unrecovered ~~foregone~~ forgone amounts as determined under section
5 63-802(1) (e), Idaho Code. When a special purpose taxing district
6 is situated in more than one (1) county, the state tax commission
7 shall determine the portion attributable to the special purpose
8 taxing district from each county in which it is situated.

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

13 (v) If a special purpose taxing district is dissolved or disin-
14 corporated, the state tax commission shall continuously distrib-
15 ute to the board of county commissioners an amount equal to the
16 last quarter's distribution prior to dissolution or disincorpora-
17 tion. The board of county commissioners shall determine any re-
18 distribution of moneys so received.

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

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

24 (11) Amounts calculated in accordance with section 2, chapter 356, laws
25 of 2001, for annual distribution to counties and other taxing districts be-
26 ginning in October 2001 for replacement of property tax on farm machinery and
27 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool
28 districts, the state tax commission shall distribute one-fourth (1/4) of
29 this amount certified quarterly to each county. For school districts, the
30 state tax commission shall distribute one-fourth (1/4) of the amount certi-
31 fied quarterly to each school district. For nonschool districts, the county
32 auditor shall distribute to each district within thirty (30) calendar days
33 from receipt of moneys from the state tax commission. Moneys received by
34 each taxing district for replacement shall be utilized in the same manner
35 and in the same proportions as revenues from property taxation. The moneys
36 remitted to the county treasurer for replacement of property exempt from
37 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the
38 counties and other taxing districts and budgeted at the same time, in the
39 same manner and in the same year as revenues from taxation on personal prop-
40 erty which these moneys replace. If taxing districts are consolidated, the
41 resulting district is entitled to an amount equal to the sum of the amounts
42 which were received in the last calendar quarter by each district pursuant
43 to this subsection prior to the consolidation. If a taxing district is
44 dissolved or disincorporated, the state tax commission shall continuously
45 distribute to the board of county commissioners an amount equal to the
46 last quarter's distribution prior to dissolution or disincorporation. The
47 board of county commissioners shall determine any redistribution of moneys
48 so received. If a taxing district annexes territory, the distribution of
49 moneys received pursuant to this subsection shall be unaffected. Taxing
50 districts formed after January 1, 2001, are not entitled to a payment under

1 the provisions of this subsection. School districts shall receive an amount
2 determined by multiplying the sum of the year 2000 school district levy mi-
3 nus .004 times the market value on December 31, 2000, in the district of the
4 property exempt from taxation pursuant to section 63-602EE, Idaho Code, pro-
5 vided that the result of these calculations shall not be less than zero (0).
6 The result of these school district calculations shall be further increased
7 by six percent (6%). For purposes of the limitation provided by section
8 63-802, Idaho Code, moneys received pursuant to this section as property tax
9 replacement for property exempt from taxation pursuant to section 63-602EE,
10 Idaho Code, shall be treated as property tax revenues.

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

14 (13) Amounts calculated in accordance with subsection (4) of section
15 63-602KK, Idaho Code, for annual distribution to counties and other taxing
16 districts for replacement of property tax on personal property tax exemp-
17 tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which
18 amounts are continuously appropriated unless the legislature enacts a dif-
19 ferent appropriation for a particular fiscal year. For purposes of the
20 limitation provided by section 63-802, Idaho Code, moneys received pursuant
21 to this section as property tax replacement for property exempt from taxa-
22 tion pursuant to section 63-602KK, Idaho Code, shall be treated as property
23 tax revenues. If taxing districts are consolidated, the resulting district
24 is entitled to an amount equal to the sum of the amounts that were received in
25 the last calendar year by each district pursuant to this subsection prior to
26 the consolidation. If a taxing district or revenue allocation area annexes
27 territory, the distribution of moneys received pursuant to this subsection
28 shall be unaffected. Taxing districts and revenue allocation areas formed
29 after January 1, 2013, are not entitled to a payment under the provisions of
30 this subsection.

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

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

41 (16) After reducing all moneys collected under this chapter as may be
42 required by sections 63-3203 and 63-3709, Idaho Code, and after deducting
43 the amounts described in subsections (1) and (10) of this section, one per-
44 cent (1%) of the balance remaining shall be distributed to the transporta-
45 tion expansion and congestion mitigation program established in section
46 40-720, Idaho Code. The distribution provided for in this subsection must
47 immediately follow the distribution provided for in subsection (10) of this
48 section.