

IN THE SENATE

SENATE BILL NO. 1189

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT; AP-
PROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL
YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT PO-
SITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION
DEPARTMENT FOR THE AERONAUTICS PROGRAM; APPROPRIATING ADDITIONAL MON-
EYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE HIGHWAY OPERATIONS
PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION
DEPARTMENT FOR THE HIGHWAY OPERATIONS PROGRAM; APPROPRIATING ADDI-
TIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT
CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM; PROVIDING FOR
PORT ACCESS PROJECTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE
STRATEGIC INITIATIVES PROGRAM (LOCAL) FUND TO THE STRATEGIC INITIA-
TIVES GRANT PROGRAM FUND FOR FISCAL YEAR 2024; PROVIDING A CONTINUOUS
APPROPRIATION; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING FOR LO-
CAL TRANSPORTATION PROJECTS; PROVIDING REAPPROPRIATION AUTHORITY FOR
THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY
FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION AUTHORITY
FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION;
AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation De-
partment the following amounts to be expended according to the designated
programs and expense classes from the listed funds for the period July 1,
2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$14,803,900	\$17,950,900	\$1,898,000		\$34,652,800
State Highway (Federal)					
Fund	<u>500,800</u>	<u>659,100</u>	<u>0</u>	<u>\$300,000</u>	<u>1,459,900</u>
TOTAL	\$15,304,700	\$18,610,000	\$1,898,000	\$300,000	\$36,112,700

	FOR	FOR	FOR	FOR	TOTAL	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND		
	COSTS	EXPENDITURES	OUTLAY	BENEFIT		
				PAYMENTS		
5	B. CAPITAL FACILITIES:					
6	FROM:					
7	State Aeronautics (Dedicated)					
8	Fund		\$100,000		\$100,000	
9	State Highway (Dedicated)					
10	Fund	<u>\$2,300,000</u>	<u>22,265,000</u>		<u>24,565,000</u>	
11	TOTAL	\$2,300,000	\$22,365,000		\$24,665,000	
12	C. AERONAUTICS:					
13	FROM:					
14	State Aeronautics (Dedicated)					
15	Fund	\$1,233,100	\$706,700	\$107,000	\$1,250,000	\$3,296,800
16	State Aeronautics (Billing)					
17	Fund	128,200	138,400			266,600
18	State Highway (Dedicated)					
19	Fund		7,100	223,700		230,800
20	State Aeronautics (Federal)					
21	Fund	<u>108,000</u>	<u>573,200</u>	<u>0</u>	<u>0</u>	<u>681,200</u>
22	TOTAL	\$1,469,300	\$1,425,400	\$330,700	\$1,250,000	\$4,475,400
23	DIVISION					
24	TOTAL	\$16,774,000	\$22,335,400	\$24,593,700	\$1,550,000	\$65,253,100
25	II. MOTOR VEHICLES:					
26	FROM:					
27	State Highway (Dedicated)					
28	Fund	\$18,991,400	\$18,002,200	\$1,407,700		\$38,401,300
29	State Highway (Federal)					
30	Fund	<u>0</u>	<u>3,600,000</u>	<u>0</u>		<u>3,600,000</u>
31	TOTAL	\$18,991,400	\$21,602,200	\$1,407,700		\$42,001,300
32	III. HIGHWAY OPERATIONS:					
33	FROM:					
34	State Highway (Dedicated)					
35	Fund	\$98,611,100	\$73,733,800	\$51,554,800	\$462,000	\$224,361,700
36	State Highway (Local)					
37	Fund	280,500	73,900			354,400

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
5	State Highway (Federal)				
6	Fund	16,945,400	9,563,000	25,963,600	52,472,000
7	Federal COVID-19 Relief				
8	Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>7,857,300</u>
9	TOTAL	\$115,837,000	\$83,370,700	\$51,554,800	\$34,282,900
					\$285,045,400
10	IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:				
11	FROM:				
12	State Highway (Dedicated)				
13	Fund	\$2,500,000	\$131,967,100	\$500,000	\$134,967,100
14	State Highway (Local)				
15	Fund	100,000	6,996,200	100,000	7,196,200
16	Transportation Expansion and Congestion Mitigation				
17	Fund		61,200,000		61,200,000
18	Strategic Initiatives Grant Program				
19	Fund			36,000,000	36,000,000
20	State Highway (Federal)				
21	Fund	<u>8,000,000</u>	<u>388,907,500</u>	<u>1,500,000</u>	<u>398,407,500</u>
22	TOTAL	\$10,600,000	\$589,070,800	\$38,100,000	\$637,770,800
23	GRAND TOTAL	\$151,602,400	\$137,908,300	\$666,627,000	\$73,932,900
					\$1,030,070,600

24 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
25 Idaho Code, the Idaho Transportation Department is authorized no more than
26 one thousand five hundred ninety-two (1,592.00) full-time equivalent po-
27 sitions at any point during the period July 1, 2023, through June 30, 2024,
28 unless specifically authorized by the Governor. The Joint Finance-Appro-
29 priations Committee will be notified promptly of any increased positions so
30 authorized.

31 SECTION 3. In addition to the appropriation made in Section 1, Chap-
32 ter 156, Laws of 2022, and any other appropriation provided by law, there is
33 hereby appropriated \$50,000 from the State Aeronautics (Dedicated) Fund to
34 the Idaho Transportation Department for the Aeronautics Program, to be ex-
35 pended for operating expenditures, for the period July 1, 2022, through June
36 30, 2023.

37 SECTION 4. In addition to the appropriation made in Section 1, Chap-
38 ter 156, Laws of 2022, and any other appropriation provided by law, there is
39 hereby appropriated \$9,333,500 from the State Highway (Dedicated) Fund to

1 the Idaho Transportation Department for the Highway Operations Program, to
2 be expended for operating expenditures, for the period July 1, 2022, through
3 June 30, 2023.

4 SECTION 5. In addition to the appropriation made in Section 1, Chap-
5 ter 156, Laws of 2022, and any other appropriation provided by law, there
6 is hereby appropriated \$2,187,200 from the State Highway (Federal) Fund to
7 the Idaho Transportation Department for the Highway Operations Program, to
8 be expended for operating expenditures, for the period July 1, 2022, through
9 June 30, 2023.

10 SECTION 6. In addition to the appropriation made in Section 1, Chap-
11 ter 156, Laws of 2022, and any other appropriation provided by law, there
12 is hereby appropriated \$10,000,000 from the Strategic Initiatives Program
13 (Dedicated) Fund to the Idaho Transportation Department for the Contract
14 Construction and Right-of-Way Acquisition Division, to be expended for
15 trustee and benefit payments, for the period July 1, 2022, through June 30,
16 2023.

17 SECTION 7. PORT ACCESS PROJECTS. The Idaho Transportation Department
18 shall provide \$10,000,000 to Idaho seaports from the Strategic Initiatives
19 Program (Dedicated) Fund for port access projects as soon as practicable but
20 no later than June 30, 2023.

21 SECTION 8. CASH TRANSFER. There is hereby appropriated, and the Office
22 of the State Controller shall transfer \$36,000,000 from the Strategic Ini-
23 tiatives Program (Local) Fund to the Strategic Initiatives Grant Program
24 Fund as soon as practicable for the period July 1, 2023, through June 30,
25 2024.

26 SECTION 9. CONTINUOUSLY APPROPRIATED MONEYS. All moneys transferred to
27 the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protec-
28 tion Fund, as provided in Section 63-2412, Idaho Code, are hereby contin-
29 uously appropriated to the Idaho Transportation Department for the stated
30 purpose of those funds.

31 SECTION 10. ACCOUNTABILITY REPORTS. Funds specifically identified in
32 statute or in an appropriation act as intended for a certain purpose may be
33 used only for that purpose. All funds provided in this act shall be subject
34 to accountability reports and management reviews in accordance with Section
35 67-702, Idaho Code.

36 SECTION 11. LOCAL TRANSPORTATION PROJECTS. Pursuant to House Bill No.
37 132, if enacted by the First Regular Session of the Sixty-seventh Idaho Leg-
38 islature, moneys transferred in Section 8 of this act shall be provided to
39 highway districts established pursuant to Chapter 14, Title 40, Idaho Code,
40 for local transportation projects to mitigate the impact of adding new con-
41 nections of state highways to interstate highways as soon as practicable but
42 no later than July 31, 2023.

1 SECTION 12. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PRO-
2 GRAM. There is hereby reappropriated to the Idaho Transportation Department
3 any unexpended and unencumbered balances appropriated to the Idaho Trans-
4 portation Department from the State Aeronautics (Dedicated) Fund and the
5 State Highway Fund in the Capital Facilities Program for fiscal year 2023, to
6 be used for nonrecurring expenditures in the Capital Facilities Program for
7 the period July 1, 2023, through June 30, 2024. The Office of the State Con-
8 troller shall confirm the reappropriation amount, by fund, expense class,
9 and program, with the Legislative Services Office prior to processing the
10 reappropriation authorized herein.

11 SECTION 13. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS.
12 There is hereby reappropriated to the Idaho Transportation Department any
13 unexpended and unencumbered balances appropriated or reappropriated to the
14 Idaho Transportation Department from the State Aeronautics (Dedicated) Fund
15 as trustee and benefit payments for airport development grants for fiscal
16 year 2023, to be used for nonrecurring expenditures for airport development
17 grants for the period July 1, 2023, through June 30, 2024. The Office of the
18 State Controller shall confirm the reappropriation amount, by fund, expense
19 class, and program, with the Legislative Services Office prior to processing
20 the reappropriation authorized herein.

21 SECTION 14. REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION
22 AND RIGHT-OF-WAY ACQUISITION DIVISION. There is hereby reappropriated to
23 the Idaho Transportation Department any unexpended and unencumbered bal-
24 ances appropriated or reappropriated to the Idaho Transportation Department
25 from the State Highway Fund, the Strategic Initiatives Program Fund, and the
26 Transportation Expansion and Congestion Mitigation Fund for the Contract
27 Construction and Right-of-Way Acquisition Division for fiscal year 2023, in
28 a total amount not to exceed \$250,000,000 from the State Highway Fund, the
29 Strategic Initiatives Program Fund, and/or the Transportation Expansion and
30 Congestion Mitigation Fund, to be used for nonrecurring expenditures for the
31 Contract Construction and Right-of-Way Acquisition Division for the period
32 July 1, 2023, through June 30, 2024. The Office of the State Controller shall
33 confirm the reappropriation amount, by fund, expense class, and program,
34 with the Legislative Services Office prior to processing the reappropria-
35 tion authorized herein.

36 SECTION 15. An emergency existing therefor, which emergency is hereby
37 declared to exist, Sections 3, 4, 5, 6, and 7 of this act shall be in full
38 force and effect on and after passage and approval, and Sections 1, 2, 8, 9,
39 10, 11, 12, 13, and 14 of this act shall be in full force and effect on and af-
40 ter July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 354

BY APPROPRIATIONS COMMITTEE

AN ACT

1 RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT;
2 APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE
3 STATE AERONAUTICS (DEDICATED) FUND FOR FISCAL YEAR 2023; APPROPRIAT-
4 ING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE
5 AERONAUTICS PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFER-
6 RING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVE PROGRAM
7 - LOCAL FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS
8 TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION
9 AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR FISCAL YEAR 2023; APPROPRI-
10 ATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC
11 INITIATIVE PROGRAM (DEDICATED) FUND FOR FISCAL YEAR 2024; APPROPRIAT-
12 ING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE
13 CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR FISCAL
14 YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND
15 TO THE STRATEGIC INITIATIVE GRANT PROGRAM FUND FOR FISCAL YEAR 2024;
16 APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT
17 FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR
18 FISCAL YEAR 2024; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GEN-
19 ERAL FUND TO THE LOCAL HIGHWAY DISTRIBUTION FUND FOR FISCAL YEAR 2024;
20 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
21

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

23 SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office
24 of the State Controller shall transfer \$35,000,000 from the General Fund to
25 the State Aeronautics (Dedicated) Fund as soon as practicable for the period
26 July 1, 2022, through June 30, 2023.

27 SECTION 2. In addition to the appropriation made in Section 1, Chap-
28 ter 156, Laws of 2022, and any other appropriation provided by law, there
29 is hereby appropriated from the State Aeronautics (Dedicated) Fund to the
30 Idaho Transportation Department for the Aeronautics Program the following
31 amounts, to be expended for the designated expense classes, for the period
32 July 1, 2022, through June 30, 2023:

33 FOR:

34 Operating Expenditures	\$700,000
35 Capital Outlay	1,300,000
36 Trustee and Benefit Payments	<u>33,000,000</u>
37 TOTAL	\$35,000,000

38 SECTION 3. CASH TRANSFER. There is hereby appropriated and the Office
39 of the State Controller shall transfer \$210,000,000 from the General Fund to

1 the Strategic Initiative Program - Local Fund as soon as practicable for the
2 period July 1, 2022, through June 30, 2023.

3 SECTION 4. In addition to the appropriation made in Section 1, Chap-
4 ter 156, Laws of 2022, and any other appropriation provided by law, there
5 is hereby appropriated \$210,000,000 from the Strategic Initiative Program -
6 Local Fund to the Idaho Transportation Department for the Contract Construc-
7 tion and Right-of-Way Acquisition Program, to be expended for trustee and
8 benefit payments, for the period July 1, 2022, through June 30, 2023.

9 SECTION 5. CASH TRANSFER. There is hereby appropriated and the Office
10 of the State Controller shall transfer \$181,680,000 from the General Fund to
11 the Strategic Initiative Program (Dedicated) Fund as soon as practicable for
12 the period July 1, 2023, through June 30, 2024.

13 SECTION 6. In addition to any other appropriation provided by law,
14 there is hereby appropriated \$182,422,000 from the Strategic Initiative
15 Program (Dedicated) Fund to the Idaho Transportation Department for the Con-
16 tract Construction and Right-of-Way Acquisition Program, to be expended for
17 capital outlay, for the period July 1, 2023, through June 30, 2024.

18 SECTION 7. CASH TRANSFER. There is hereby appropriated and the Office
19 of the State Controller shall transfer \$100,000,000 from the General Fund to
20 the Strategic Initiative Grant Program Fund as soon as practicable for the
21 period July 1, 2023, through June 30, 2024.

22 SECTION 8. In addition to any other appropriation provided by law,
23 there is hereby appropriated \$100,000,000 from the Strategic Initiative
24 Grant Program Fund to the Idaho Transportation Department for the Contract
25 Construction and Right-of-Way Acquisition Program, to be expended for
26 trustee and benefit payments, for the period July 1, 2023, through June 30,
27 2024.

28 SECTION 9. CASH TRANSFER. There is hereby appropriated and the Office
29 of the State Controller shall transfer \$121,120,000 from the General Fund
30 to the Local Highway Distribution Fund as soon as practicable for the period
31 July 1, 2023, through June 30, 2024.

32 SECTION 10. An emergency existing therefor, which emergency is hereby
33 declared to exist, Sections 1, 2, 3, and 4 of this act shall be in full force
34 and effect on and after passage and approval, and Sections 5, 6, 7, 8, and 9 of
35 this act shall be in full force and effect on and after July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 132

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO THE STRATEGIC INITIATIVES PROGRAMS; AMENDING SECTION 40-719,
2 IDAHO CODE, TO REMOVE A PROVISION REGARDING THE STRATEGIC INITIATIVES
3 PROGRAM FUND, TO ESTABLISH A STRATEGIC INITIATIVES GRANT PROGRAM AND
4 FUND FOR LOCAL UNITS OF GOVERNMENT, AND TO MAKE TECHNICAL CORRECTIONS;
5 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 40-719, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 40-719. STRATEGIC INITIATIVES PROGRAM AND STRATEGIC INITIATIVES
11 GRANT PROGRAM. (1) The Idaho transportation department shall establish and
12 maintain a strategic initiatives program. The purpose of the program is to
13 fund transportation projects that are proposed by the department's six (6)
14 districts and local units of government. Proposed projects shall compete
15 for strategic initiative program selection and funding on a statewide basis
16 based on an analysis of their return on investment in the following cate-
17 gories:

18 (a) Safety, including the projected reduction of crashes, injuries and
19 fatalities;

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

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

24 (d) The repair and maintenance of bridges;

25 (e) The purchase of public rights-of-way; and

26 (f) ~~Children~~ Child pedestrian safety on the state and local system.

27 (2) (a) There is hereby established in the state treasury the strategic
28 initiatives program fund, to which shall be deposited:

29 ~~(a) Notwithstanding the provisions of section 57-814, Idaho Code, the~~
30 ~~provisions of this paragraph shall only be in effect from the effective~~
31 ~~date of this act through May 31, 2019. After the close of the fiscal~~
32 ~~year, the state controller shall determine any excess cash balance in~~
33 ~~the general fund. When calculating any excess cash balance the state~~
34 ~~controller shall first provide for the ending balance as determined by~~
35 ~~the legislative record to be carried over into the next fiscal year,~~
36 ~~plus an amount sufficient to cover encumbrances as approved by the di-~~
37 ~~vision of financial management, and an amount sufficient to cover any~~
38 ~~reappropriation as authorized by the legislature. On July 1, or as soon~~
39 ~~thereafter as is practicable, the state controller shall transfer fifty~~
40 ~~percent (50%) of any general fund excess to the strategic initiatives~~
41 ~~fund.~~

1 ~~(b) Any other any~~ appropriated moneys for funding of the strategic ini-
 2 tiatives program.

3 ~~(e)~~ (b) Unless otherwise specified, moneys transferred into the
 4 strategic initiatives program fund after May 30, 2017, shall be appor-
 5 tioned as follows:

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

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

12 ~~(d)~~ (c) The strategic initiatives program for local units of government
 13 shall be exempt from the requirements contained in subsection (1) (c) of
 14 this section.

15 (3) (a) The Idaho transportation department shall establish and main-
 16 tain a strategic initiatives grant program, which shall be separate
 17 from the strategic initiatives program described in subsections (1)
 18 and (2) of this section. The strategic initiatives grant program shall
 19 be for the purpose of assisting local units of government to mitigate
 20 the impact of state highway projects on local roads or for economically
 21 significant local transportation projects that require the assistance
 22 of the Idaho transportation department to facilitate.

23 (b) There is hereby established in the state treasury the strategic
 24 initiatives grant program fund, to which shall be deposited any appro-
 25 priated moneys for funding of the strategic initiatives grant program.

26 (c) Fifty percent (50%) of the funds appropriated to the strategic ini-
 27 tiatives grant program described in this subsection shall be awarded
 28 to large urban areas that have a population greater than fifty thou-
 29 sand (50,000), and fifty percent (50%) of such funds shall be awarded
 30 to rural areas or to small urban areas with a population that is less
 31 than fifty thousand (50,000). For fiscal year 2024 only, the first
 32 thirty-six million dollars (\$36,000,000) appropriated to the strategic
 33 initiatives grant program shall be used by the Idaho transportation de-
 34 partment on local roads to mitigate the impact of adding new connections
 35 of state highways to interstate highways. The Idaho transportation
 36 department shall report annually to the transportation and defense com-
 37 mittee of the house of representatives and the transportation committee
 38 of the senate of the legislature regarding the strategic initiatives
 39 grant program.

40 ~~(3)~~ (4) Interest earned on the investment of idle moneys in the funds
 41 established pursuant to this section shall be paid to ~~the fund~~ such funds.
 42 All moneys in the strategic initiatives program fund shall be used for fund-
 43 ing the strategic initiatives program. All moneys in the strategic initia-
 44 tives grant program fund shall be used for funding the strategic initiatives
 45 grant program. All moneys in the funds established pursuant to this sec-
 46 tion are hereby continuously appropriated to the Idaho transportation de-
 47 partment.

48 SECTION 2. An emergency existing therefor, which emergency is hereby
 49 declared to exist, this act shall be in full force and effect on and after
 50 July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 87

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM;
2 AMENDING SECTION 40-720, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS AP-
3 PORTIONED TO LOCAL UNITS OF GOVERNMENT BE LIMITED TO CERTAIN USES; AND
4 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 40-720, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM
10 -- FUND ESTABLISHED. (1) The Idaho transportation department shall estab-
11 lish and maintain a transportation expansion and congestion mitigation
12 program.

13 (2) The fund established pursuant to this section shall finance
14 projects that expand the state system to address and mitigate transportation
15 congestion. The projects shall be evaluated by the Idaho transportation
16 department and shall be chosen by the Idaho transportation board based on a
17 policy that may include mitigation of traffic times, improvement to traffic
18 flow and mitigation of traffic congestion.

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

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

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

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

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

28 (5) The Idaho housing and finance association is hereby authorized
29 to issue bonds, secured by otherwise unobligated moneys in the fund estab-
30 lished in subsection (3) of this section, for the purpose of financing state
31 transportation projects approved by the Idaho transportation board. The
32 Idaho transportation board shall take into consideration the mitigation of
33 traffic congestion from the state campus site located at 11311 West Chinden
34 Boulevard, Boise, as a priority when approving transportation projects.
35 Moneys from the fund established in subsection (3) of this section shall
36 be used to pay any of the principal, interest, and other amounts for state
37 transportation projects approved by the Idaho transportation board and re-
38 quired for bonds issued pursuant to this subsection in accordance with the
39 provisions of chapter 62, title 67, Idaho Code. If such bonds are issued,
40 moneys in the fund shall first be continuously appropriated and used for
41 repayment of said bonds in accordance with subsection (7) of this section.

1 (6) The authority provided in subsection (5) of this section shall be
2 used only to issue bonds on an approved resolution by the Idaho transporta-
3 tion board requesting that the Idaho housing and finance association issue
4 bonds contingent upon:

5 (a) The availability of otherwise unobligated moneys in the fund, es-
6 tablished in subsection (3) of this section, necessary to meet bond ser-
7 vice obligations;

8 (b) The moneys disbursed being used in accordance with United States
9 treasury regulations to ensure tax-exempt status is retained, unless
10 tax-exempt bonds are not available; and

11 (c) The issuance of bonds at prevailing market rates of interest.

12 (7) From moneys in the fund established in this section, there are
13 hereby continuously appropriated first such amounts as from time to time
14 shall be certified by the Idaho housing and finance association to the state
15 controller, the state treasurer, and the Idaho transportation board as
16 necessary for payment of principal, interest, and other amounts required
17 for transportation bonds or notes of the Idaho housing and finance associ-
18 ation in accordance with chapter 62, title 67, Idaho Code, that are issued
19 to finance improvements described in this section, which amounts shall not
20 exceed the amount received and transferred from section 63-3638(16), Idaho
21 Code, which amounts shall be transferred to the transportation expansion
22 and congestion mitigation program debt service fund established in section
23 40-721(2), Idaho Code.

24 (8) Moneys in excess of eighty million dollars (\$80,000,000) appor-
25 tioned to local units of government for local highway projects pursuant to
26 section 63-3638(16) (b), Idaho Code, shall be used by local units of govern-
27 ment only for the purposes of road and bridge maintenance, the expansion of
28 travel lanes, and congestion mitigation for the primary benefit of motor
29 vehicles to improve traffic flow and traffic travel times.

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after
32 July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 184

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-104, IDAHO CODE, TO
DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-
GENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-104, Idaho Code, be, and the same is hereby
amended to read as follows:

40-104. DEFINITIONS -- C. (1) "City system" means all public highways
within the corporate limits of a city, with a functioning street department,
except those highways ~~which~~ that are under federal control, a part of the
state highway system, part of a highway district system or an extension of a
rural major collector route as specified in section 40-607, Idaho Code.

(2) "Commercial activities." (See "Unzoned commercial or industrial
areas," section 40-122, Idaho Code)

(3) "Commercial areas, unzoned." (See "Unzoned commercial or indus-
trial areas," section 40-122, Idaho Code)

(4) "Commissioners" means the board of county commissioners of a county
of this state.

(5) "Congestion mitigation" means transportation road projects for the
primary benefit of motor vehicles designed and constructed to reduce traf-
fic congestion, travel delays, engine idle time, and unproductive fuel con-
sumption. Congestion mitigation includes and is limited to improving ve-
hicle traffic flow and travel times through expanding vehicle travel lanes,
improving intersection efficiency, adding turning lanes, improving trans-
portation management systems and signal operations, implementing intelli-
gent transportation system strategies, or a combination of such methods.

~~(5) (6)~~ "Construction manager/general contractor firm" means a busi-
ness entity with which the department has contracted to provide services
prior to the final design phase and to provide for the construction of the
project during the construction phase.

~~(6) (7)~~ "Construction manager/general contractor project" means a
project where the department retains a consultant or has on staff an Idaho
licensed professional engineer to develop the design and also hires a con-
struction manager/general contractor firm to provide services prior to the
final design. If a guaranteed maximum price is negotiated successfully, the
construction manager/general contractor firm also provides for construc-
tion of the project.

~~(7) (8)~~ "Consultant" means an individual or business entity possessing
the qualifications to provide licensed architectural, licensed engineer-
ing, or licensed land surveying services or possessing specialized creden-
tials and qualifications.

1 ~~(8)~~ (9) "Controlled-access facility" means a highway especially de-
2 signed for through traffic to which owners or occupants of abutting land
3 have no right or easement or only a controlled right or easement of access by
4 reason of the fact that their property abuts upon the controlled-access fa-
5 cility. These highways may be freeways open to use by all customary forms of
6 highway traffic, or they may be parkways from which trucks, buses and other
7 commercial vehicles shall be excluded.

8 ~~(9)~~ (10) "County highway system" or "county secondary highways" means
9 all public highways in a county except those included within the state high-
10 way system, those under another state agency, those included within city
11 highway systems of incorporated cities, those included within a highway dis-
12 trict highway system, and those under federal control.

13 SECTION 2. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after
15 July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 376

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PROPERTY TAX RELIEF; AMENDING SECTION 63-3638, IDAHO CODE, AS
2 AMENDED IN SECTION 15 OF HOUSE BILL NO. 292, IF ENACTED BY THE FIRST REG-
3 ULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO PROVIDE FOR THE
4 DISTRIBUTION OF CERTAIN SALES TAX REVENUES TO THE TRANSPORTATION EXPAN-
5 SION AND CONGESTION MITIGATION FUND AND TO LOCAL UNITS OF GOVERNMENT FOR
6 HIGHWAY PROJECTS; AND DECLARING AN EMERGENCY.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 63-3638, Idaho Code, as amended in Section 15
10 of House Bill No. 292, if enacted by the First Regular Session of the Sixty-
11 seventh Legislature Idaho Legislature, be, and the same is hereby amended to
12 read as follows:

13 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
14 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,
15 and 63-3709, Idaho Code, shall be distributed by the state tax commission as
16 follows:

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

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

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

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

38 (5) An amount equal to the sum required by the provisions of sections
39 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
40 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
41 paid as provided by sections 63-709 and 63-717, Idaho Code.

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

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

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

25 (9) One dollar (\$1.00) on each application for certificate of title
26 or initial application for registration of a motor vehicle, snowmobile,
27 all-terrain vehicle or other vehicle processed by the county assessor or the
28 Idaho transportation department, excepting those applications in which any
29 sales or use taxes due have been previously collected by a retailer, shall be
30 a fee for the services of the assessor of the county or the Idaho transporta-
31 tion department in collecting such taxes and shall be paid into the current
32 expense fund of the county or state highway account established in section
33 40-702, Idaho Code.

34 (10) Eleven and five-tenths percent (11.5%) of revenues collected un-
35 der this chapter, following any distributions required by sections 63-3203,
36 63-3620F, and 63-3709, Idaho Code, and by subsection (1) of this section, is
37 continuously appropriated and shall be distributed to the revenue-sharing
38 account, which is hereby created in the state treasury, and the moneys in the
39 revenue-sharing account will be paid in installments each calendar quarter
40 by the state tax commission as follows:

41 (a) Forty-five and two-tenths percent (45.2%) shall be paid to the var-
42 ious cities as follows:

43 (i) The revenue-sharing amount calculated by the state tax com-
44 mission for the various cities for each quarter of fiscal year 2020
45 shall be the base amount for current quarterly revenue distribu-
46 tion amounts. The state tax commission shall calculate the per
47 capita distribution for each city resulting from the previous fis-
48 cal year's distributions.

49 (ii) If there is no change in the amount of the revenue-sharing
50 account from the same quarter of the previous fiscal year, then the

1 various cities shall receive the same amount received for the same
 2 quarter of the previous fiscal year.

3 (iii) If the balance of the revenue-sharing account for the cur-
 4 rent quarter is greater than the balance of the revenue-sharing
 5 account for the same quarter of the previous fiscal year, then:

6 1. If the distributions made to the cities during the same
 7 quarter of the previous fiscal year were below the base
 8 amount established in fiscal year 2020, then the various
 9 cities shall first receive a proportional increase up to the
 10 base amount for each city and up to a one percent (1%) in-
 11 crease over such base amount. Any remaining moneys shall be
 12 distributed to cities with a below-average per capita dis-
 13 tribution in the proportion that the population of that city
 14 bears to the population of all cities with below-average per
 15 capita distributions within the state.

16 2. If the distributions made to the cities during the same
 17 quarter of the previous fiscal year were at or above the
 18 base amount established in fiscal year 2020, then the cities
 19 shall receive the same distribution they received during the
 20 same quarter of the previous fiscal year plus a proportional
 21 increase up to one percent (1%). Any remaining moneys shall
 22 be distributed to the cities with a below-average per capita
 23 distribution in the proportion that the population of that
 24 city bears to the population of all cities with a below-aver-
 25 age per capita distribution within the state.

26 (iv) If the balance of the revenue-sharing account for the cur-
 27 rent quarter is less than the balance of the revenue-sharing ac-
 28 count for the same quarter of the previous fiscal year, then the
 29 cities shall first receive a proportional reduction down to the
 30 base amount established in fiscal year 2020. If further reduc-
 31 tions are necessary, the cities shall receive reductions based on
 32 the proportion that each city's population bears to the population
 33 of all cities within the state.

34 (b) Forty-seven and one-tenth percent (47.1%) shall be paid to the var-
 35 ious counties as follows:

36 (i) Fifty-nine and eight-tenths percent (59.8%) of the amount to
 37 be distributed under this paragraph (b) of this subsection shall
 38 be distributed as follows:

39 1. One million three hundred twenty thousand dollars
 40 (\$1,320,000) annually shall be distributed one forty-fourth
 41 (1/44) to each of the various counties; and

42 2. The balance of such amount shall be paid to the various
 43 counties, and each county shall be entitled to an amount in
 44 the proportion that the population of that county bears to
 45 the population of the state; and

46 (ii) Forty and two-tenths percent (40.2%) of the amount to be dis-
 47 tributed under this paragraph (b) of this subsection shall be dis-
 48 tributed as follows:

49 1. Each county that received a payment under the provisions
 50 of section 63-3638(e), Idaho Code, as that subsection ex-

1 isted immediately prior to July 1, 2000, during the fourth
2 quarter of calendar year 1999, shall be entitled to a like
3 amount during succeeding calendar quarters.

4 2. If the dollar amount of money available under this sub-
5 section (10) (b) (ii) in any quarter does not equal the amount
6 paid in the fourth quarter of calendar year 1999, each
7 county's payment shall be reduced proportionately.

8 3. If the dollar amount of money available under this sub-
9 section (10) (b) (ii) in any quarter exceeds the amount paid
10 in the fourth quarter of calendar year 1999, each county
11 shall be entitled to a proportionately increased payment,
12 but such increase shall not exceed one hundred five percent
13 (105%) of the total payment made in the fourth quarter of
14 calendar year 1999.

15 4. If the dollar amount of money available under this sub-
16 section (10) (b) (ii) in any quarter exceeds one hundred five
17 percent (105%) of the total payment made in the fourth quar-
18 ter of calendar year 1999, any amount over and above such
19 one hundred five percent (105%) shall be paid to the various
20 counties in the proportion that the population of the county
21 bears to the population of the state; and

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

25 (i) Each such district that received a payment under the provi-
26 sions of section 63-3638(e), Idaho Code, as such subsection ex-
27 isted immediately prior to July 1, 2000, during the fourth quarter
28 of calendar year 1999, shall be entitled to a like amount during
29 succeeding calendar quarters.

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

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

47 (iv) If special purpose taxing districts are consolidated, the
48 resulting district is entitled to a base amount equal to the sum of
49 the base amounts received in the last calendar quarter by each dis-
50 trict prior to the consolidation.

1 (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.

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7 (vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

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10 (vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

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13 (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 such amounts to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by 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 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.

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

4 (13) Amounts calculated in accordance with section 63-602KK(4), Idaho
5 Code, for annual distribution to counties and other taxing districts for
6 replacement of property tax on personal property tax exemptions pursuant
7 to section 63-602KK(2), Idaho Code, which amounts are continuously ap-
8 propriated unless the legislature enacts a different appropriation for a
9 particular fiscal year. For purposes of the limitation provided by section
10 63-802, Idaho Code, moneys received pursuant to this section as property tax
11 replacement for property exempt from taxation pursuant to section 63-602KK,
12 Idaho Code, shall be treated as property tax revenues. If taxing districts
13 are consolidated, the resulting district is entitled to an amount equal to
14 the sum of the amounts that were received in the last calendar year by each
15 district pursuant to this subsection prior to the consolidation. If a taxing
16 district or revenue allocation area annexes territory, the distribution of
17 moneys received pursuant to this subsection shall be unaffected. Taxing
18 districts and revenue allocation areas formed after January 1, 2022, are not
19 entitled to a payment under the provisions of this subsection.

20 (14) For fiscal years 2023 and 2024 only, a sum of thirty-four million
21 dollars (\$34,000,000) shall be distributed each year by the state tax com-
22 mission to the forty-four (44) counties in the proportion that the expen-
23 ditures of each county for indigent defense services during county fiscal
24 year 2021, excluding any state funding or grants, bear to the expenditures
25 of all counties in the state for indigent defense services during county fis-
26 cal year 2021, excluding any state funding or grants. No later than July 1,
27 2022, the state public defense commission shall certify to the state tax com-
28 mission each county's proportionate share of all counties' indigent defense
29 expenses in county fiscal year 2021, excluding any state funding or grants.

30 (15) For fiscal year 2024 and each fiscal year thereafter, two and
31 twenty-five hundredths percent (2.25%) of revenues collected under this
32 chapter, following any distributions required by sections 63-3203,
33 63-3620F, and 63-3709, Idaho Code, and by subsections (1), (10), and ~~(10)~~
34 (16) of this section, is continuously appropriated and shall be distributed
35 annually to the homeowner property tax relief account established in section
36 63-724, Idaho Code.

37 (16) Four and five-tenths percent (4.5%) of revenues collected under
38 this chapter, following any distributions required by sections ~~63-3203,~~
39 ~~63-3620F,~~ and 63-3709, Idaho Code, and by subsections (1) and (10) of this
40 section, ~~or~~ but no less than eighty million dollars (\$80,000,000) and no more
41 than one hundred forty million dollars (\$140,000,000), whichever is less,
42 shall be distributed as follows:

43 (a) Eighty million dollars (\$80,000,000) is continuously appropriated
44 and shall be distributed to the transportation expansion and congestion
45 mitigation fund established in section 40-720, Idaho Code; and

46 (b) The remaining moneys in excess of eighty million dollars
47 (\$80,000,000) provided for in this subsection is continuously ap-
48 propriated and shall be apportioned to local units of government for
49 local highway projects in the same percentages provided for in section
50 40-709(1) through (3), Idaho Code. Local units of government may pool

1 funds allocated to them pursuant to this paragraph for local highway
2 projects.

3 (17) Beginning in fiscal year 2024 and each fiscal year thereafter,
4 three hundred thirty million dollars (\$330,000,000) shall be distributed
5 annually to the public school income fund created in section 33-903, Idaho
6 Code, and eighty million dollars (\$80,000,000) shall be distributed annu-
7 ally to the in-demand careers fund established in section 33-4305, Idaho
8 Code. The state tax commission shall make such transfers in quarterly in-
9 stallments.

10 (18) For fiscal year 2024 and each fiscal year thereafter, two and
11 twenty-five hundredths percent (2.25%) of revenues collected under this
12 chapter, following any distributions required by sections 63-3203,
13 63-3620F, and 63-3709, Idaho Code, and by subsections (1), (10), and ~~(10)~~
14 (16) of this section, is continuously appropriated and shall be distributed
15 annually to the school district facilities fund established pursuant to sec-
16 tion 33-911, Idaho Code.

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

20 SECTION 2. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after its
22 passage and approval.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-708, IDAHO CODE, TO
2 PROVIDE A POLICY FOR CERTAIN FUNDING OF LOCAL BRIDGES AND HIGHWAYS AND
3 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING
4 AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 40-708, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 40-708. POLICY OF LEGISLATURE ON EXPENDITURES. (1) It is the declared
10 policy of the legislature that, except as otherwise provided, all highway-
11 user revenues accruing to the state highway account be spent exclusively for
12 the maintenance, construction and development of highways and bridges in the
13 state highway system. By mutual cooperative written agreements, or in the
14 event of emergencies or other unusual circumstances where the financial or
15 general welfare of the people is concerned, two (2) or more units of govern-
16 ment may, upon a showing of cause declared and entered upon the minutes of an
17 official meeting of the board, the boards of county, highway district com-
18 missioners or the governing body of any cities involved, as the case may be,
19 share jointly the costs of the maintenance, construction or development of
20 highways and bridges in any state, county, district or city system.

21 (2) It is further the declared policy of the legislature that, except
22 as otherwise provided, all highway-user revenues accruing to the state high-
23 way account and all ad valorem levies accruing pursuant to chapter 8, ti-
24 tle 40, Idaho Code, shall be spent in support of the operations, adminis-
25 tration, maintenance, construction, and development of bridges and high-
26 ways that benefit primarily motor vehicles in the local highway jurisdic-
27 tion. All moneys apportioned to the board, counties or highway districts,
28 and cities from the proceeds from the imposition of tax on fuels and from any
29 tax or fee for the registration or operation of motor vehicles for general
30 highway construction and maintenance, bridge and culvert moneys, shall be
31 accounted for as to the actual expenditure to the state controller, as ded-
32 icated funds by a certification of the governing unit receiving, budgeting
33 and expending those dedicated funds. The certification shall list the ac-
34 tual funds received for the budgetary period in each category of dedicated
35 funds and the actual expenditure of the used dedicated funds. Any balance
36 of dedicated funds unexpended must be shown and accounted for as a beginning
37 balance in the next regular budget. The certification shall be prepared by
38 the director, county auditor or highway district treasurer or city clerk,
39 and shall be signed by the elected county or highway district commissioners,
40 mayor, council, or board members of the respective reporting governmental
41 unit. The certification shall be made by ~~the 31st of December~~ 31 of each year
42 for the preceding fiscal budget year, and shall be published once as a legal

1 notice between January ~~1st and the 15th of~~ 1 and January 15. Failure to make
2 certification, failure to publish or the making of false statements in the
3 certification shall subject the person so doing to the penalties prescribed
4 in section 40-207, Idaho Code, or be used as the grounds for removal from of-
5 fice of the offending officials. The state controller is empowered to with-
6 hold the distribution of funds for noncompliance with the provisions of this
7 section, but upon compliance shall authorize the distribution to be made.

8 (3) Moneys remaining unexpended in dedicated funds shall not be bud-
9 geted ~~and~~ or expended for uses other than the limits of the dedicated fund.

10 (4) Highway districts may accumulate fund balances at the end of a fis-
11 cal year and carry over those fund balances into the ensuing fiscal year suf-
12 ficient to achieve or maintain highway district operations on a cash basis.
13 A fund balance is the excess of the assets of a fund over its liabilities and
14 reserves.

15 SECTION 2. An emergency existing therefor, which emergency is hereby
16 declared to exist, this act shall be in full force and effect on and after
17 July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 310

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO SINGLE COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1406,
2 IDAHO CODE, TO PROVIDE THAT A SINGLE COUNTY-WIDE HIGHWAY DISTRICT MAY
3 OPERATE AND EXPAND AN ESTABLISHED PUBLIC VAN AND CARPOOLING PROGRAM,
4 RIDESHARE PLATFORM, OR PARK-AND-RIDE FACILITY AND TO MAKE TECHNICAL
5 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

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

9 SECTION 1. That Section 40-1406, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 40-1406. POWERS AND DUTIES OF HIGHWAY COMMISSIONERS -- ONE HIGHWAY
12 DISTRICT IN COUNTY -- HIGHWAY POWERS OF CITIES IN COUNTY ABOLISHED -- LAWS
13 IN CONFLICT SUPERSEDED. The highway commissioners of a county-wide highway
14 district shall exercise all of the powers and duties provided in chapter
15 13 ~~of this title, title 40, Idaho Code,~~ and are empowered to make highway
16 ad valorem tax levies as provided by chapter 8, ~~of this title 40, Idaho~~
17 Code. Only one (1) county-wide highway district shall be operative within
18 a county where the electorate has voted affirmatively for the formation of
19 a county-wide highway district. The district shall specifically be respon-
20 sible for all county secondary and city highways and is hereby recognized as
21 a body politic of this state. Notwithstanding any other provision of Idaho
22 Code, the highway district may operate and expand an established public van
23 and carpooling program, rideshare platform, or park-and-ride facility. No
24 city included within a county-wide highway district shall maintain or super-
25 vise any city highways, or levy any ad valorem taxes for the construction,
26 repair or maintenance of city highways. No highway district included within
27 a county-wide highway district, shall maintain any secondary highways or
28 levy any ad valorem taxes for the construction, repair or maintenance of
29 highways. Wherever any provisions of the existing laws of the state of Idaho
30 are in conflict with the provisions of this chapter, the provisions of this
31 chapter shall control and supersede all such laws. However, within the lim-
32 its of any city, the city may expend city funds for the placement, care and
33 removal of trees, shrubs, grass, and other plants, ~~which that~~ are located
34 within the rights-of-way of any highway of the county-wide highway district.

35 The commissioners of a county-wide highway district may pass ordi-
36 nances, and rules, and make all regulations, not repugnant to law, as
37 necessary, for carrying into effect or discharging all powers and duties
38 conferred to a county-wide highway district pursuant to this chapter and
39 chapter 13 ~~of this title, title 40, Idaho Code~~. All ordinances created or
40 passed by the commissioners of a county-wide highway district shall re-
41 quire the affirmative vote of two-thirds (2/3) of the members of the full
42 county-wide highway district commission. The style of all ordinances shall

1 be: "BE IT ORDAINED by the board of highway district commissioners of
2 (.....) County, Idaho." All ordinances passed shall, before they take
3 effect and within one (1) month after they are passed, be published in at
4 least one (1) issue of a newspaper published in the county or, if no paper
5 be published in the county, then in some paper having general circulation
6 therein. After such publication and before its effective date, such pro-
7 posed ordinance shall not thereafter be amended ~~in any particular~~ wherein
8 the amendment shall impose terms, conditions or privileges less favorable
9 to the county-wide highway district than the proposed ordinance as pub-
10 lished; but amendment favorable to the county-wide highway district may
11 be made at any time and after publication. All ordinances passed pursuant
12 to this section by the board of county-wide highway district commissioners
13 may be proved by a certificate of the secretary of the county-wide highway
14 district under the seal of the board of the county-wide highway district
15 commissioners and shall be read and received in evidence in all courts
16 and administrative proceedings without further proof. If ordinances duly
17 passed are printed or published in book or pamphlet form by authority of the
18 county-wide highway district commissioners, the printed or published book
19 or pamphlet shall also be read and received in evidence in all courts and
20 administrative proceedings without further proof. The commissioners of the
21 county-wide highway district may enforce such ordinances by all appropriate
22 administrative or judicial proceedings.

23 SECTION 2. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2023.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 25, As Amended in the Senate

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO THE CAPITOL BUILDING AND GROUNDS; AMENDING CHAPTER 16, TITLE 67,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1605A, IDAHO CODE, TO AU-
3 THORIZE THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION TO CONTROL VE-
4 HICULAR USE OF THE ROADWAYS ADJOINING THE CAPITOL BUILDING; AND DECLAR-
5 ING AN EMERGENCY.
6

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

8 SECTION 1. That Chapter 16, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-1605A, Idaho Code, and to read as follows:

11 67-1605A. DIRECTOR'S AUTHORITY -- ROADWAYS. Notwithstanding any
12 other provision of law, including the provisions of sections 40-1310 and
13 50-1330, Idaho Code, the director of the department of administration
14 shall have authority to control vehicular use of the roadways adjoining the
15 capitol building and Steunenberg monument park. The Idaho state capitol
16 commission shall adopt policies and procedures to implement the provisions
17 of this section. The director shall consult with the governor, the pre-
18 siding officers of the legislature, and the Idaho state capitol commission
19 prior to granting or withholding approval of an alteration of the use of the
20 roadways exceeding seven (7) days. The director may also close any or all
21 of the roadways adjoining the capitol building to vehicular traffic in the
22 best interest of the state, including but not limited to security interests.
23 Actions of the director under this section shall be discretionary and not
24 subject to the provisions of chapter 52, title 67, Idaho Code. The control
25 granted in this section does not limit statutory obligations for mainte-
26 nance, operation, or law enforcement of the roadways in any other provision
27 of law or the exercise of any constitutional right by a citizen. The roadways
28 adjoining the capitol for purposes of this section shall mean State Street,
29 Jefferson Street, Eighth Street, and Sixth Street where such streets are
30 adjacent to block one (1) as shown on the Boise City original townsite plat
31 filed in the Ada county recorder's office in book 1 on page 1. The roadways
32 adjoining Steunenberg monument park shall mean the portions of Capitol
33 Boulevard adjoining block fifty-four (54) and block fifty-five (55) as shown
34 on the Boise City original townsite plat filed in the Ada County recorder's
35 office in book 1 on page 1.

36 SECTION 2. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval.