IN THE SENATE

SENATE BILL NO. 1189

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE AERONAUTICS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE HIGHWAY OPERATIONS PROGRAM; APPROPRIATING ADDITIONAL 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 INITIATIVES GRANT PROGRAM FUND FOR FISCAL YEAR 2024; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING FOR LOCAL 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 Department 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:

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<tr>
<th></th>
<th>PERSONNEL</th>
<th>OPERATING</th>
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<th>BENEFIT</th>
<th>TRUSTEE AND PERSONNEL</th>
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<td></td>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
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<td>TOTAL</td>
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<td>I. TRANSPORTATION SERVICES:</td>
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<td>$17,950,900</td>
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<td>State Highway (Federal)</td>
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<td>$15,304,700</td>
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<td>FOR TRUSTEE AND PERSONNEL</td>
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<td>FOR COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL</td>
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B. CAPITAL FACILITIES:

FROM:
State Aeronautics (Dedicated)
- Fund $100,000

State Highway (Dedicated)
- Fund $2,300,000 $22,265,000 $24,565,000

TOTAL $2,300,000 $22,365,000 $24,665,000

C. AERONAUTICS:

FROM:
State Aeronautics (Dedicated)
- Fund $1,233,100 $706,700 $107,000 $1,250,000 $3,296,800

State Aeronautics (Billing)
- Fund 128,200 138,400 266,600

State Highway (Dedicated)
- Fund 7,100 223,700 230,800

State Aeronautics (Federal)
- Fund 108,000 573,200 0 0 681,200

DIVISION TOTAL $16,774,000 $22,335,400 $24,593,700 $1,550,000 $65,253,100

II. MOTOR VEHICLES:

FROM:
State Highway (Dedicated)
- Fund $18,991,400 $18,002,200 $1,407,700 $38,401,300

State Highway (Federal)
- Fund 0 3,600,000 0 3,600,000

TOTAL $18,991,400 $21,602,200 $1,407,700 $42,001,300

III. HIGHWAY OPERATIONS:

FROM:
State Highway (Dedicated)
- Fund $98,611,100 $73,733,800 $51,554,800 $462,000 $224,361,700

State Highway (Local)
- Fund 280,500 73,900 354,400
FOR PERSONNEL costs FOR OPERATING expenditures FOR CAPITAL outlay FOR TRUSTEE AND benefit payments TOTAL

State Highway (Federal)

Fund 16,945,400 9,563,000 25,963,600 52,472,000

Federal COVID-19 Relief

Fund 0 0 0 7,857,300 7,857,300

TOTAL $115,837,000 $83,370,700 $51,554,800 $34,282,900 $285,045,400

IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:

FROM:

State Highway (Dedicated)

Fund $2,500,000 $131,967,100 $500,000 $134,967,100

State Highway (Local)

Fund 100,000 6,996,200 100,000 7,196,200

Transportation Expansion and Congestion Mitigation

Fund 61,200,000 61,200,000

Strategic Initiatives Grant Program

Fund 36,000,000 36,000,000

State Highway (Federal)

Fund 8,000,000 388,907,500 1,500,000 398,407,500

TOTAL $10,600,000 $589,070,800 $38,100,000 $637,770,800

GRAND TOTAL $151,602,400 $137,908,300 $666,627,000 $73,932,900 $1,030,070,600

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

SECTION 3. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated $50,000 from the State Aeronautics (Dedicated) Fund to the Idaho Transportation Department for the Aeronautics Program, to be expended for operating expenditures, for the period July 1, 2022, through June 30, 2023.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 156, Laws of 2022, and any other appropriation provided by law, there is hereby appropriated $9,333,500 from the State Highway (Dedicated) Fund to
the Idaho Transportation Department for the Highway Operations Program, to be expended for operating expenditures, for the period July 1, 2022, through June 30, 2023.

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

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

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

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

SECTION 9. CONTINUOUSLY APPROPRIATED MONEYS. All moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purpose of those funds.

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

SECTION 11. LOCAL TRANSPORTATION PROJECTS. Pursuant to House Bill No. 132, if enacted by the First Regular Session of the Sixty-seventh Idaho Legislature, moneys transferred in Section 8 of this act shall be provided to highway districts established pursuant to Chapter 14, Title 40, Idaho Code, for local transportation projects to mitigate the impact of adding new connections of state highways to interstate highways as soon as practicable but no later than July 31, 2023.
SECTION 12. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Aeronautics (Dedicated) Fund and the State Highway Fund in the Capital Facilities Program for fiscal year 2023, to be used for nonrecurring expenditures in the Capital Facilities Program for the period July 1, 2023, through June 30, 2024. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

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

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4, 5, 6, and 7 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, 8, 9, 10, 11, 12, 13, and 14 of this act shall be in full force and effect on and after July 1, 2023.
LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature First Regular Session - 2023

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 354

BY APPROPRIATIONS COMMITTEE

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

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

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

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

| Operating Expenditures | $700,000 |
| Capital Outlay          | 1,300,000 |
| Trustee and Benefit Payments | 33,000,000 |
| **TOTAL**               | **$35,000,000** |

SECTION 3. CASH TRANSFER. There is hereby appropriated and the Office
of the State Controller shall transfer $210,000,000 from the General Fund to
the Strategic Initiative Program - Local Fund as soon as practicable for the
period July 1, 2022, through June 30, 2023.

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

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

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

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

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

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

SECTION 10. An emergency existing therefor, which emergency is hereby
declared to exist, Sections 1, 2, 3, and 4 of this act shall be in full force
and effect on and after passage and approval, and Sections 5, 6, 7, 8, and 9 of
this act shall be in full force and effect on and after July 1, 2023.
LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature                                        First Regular Session - 2023

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 132

BY TRANSPORTATION AND DEFENSE COMMITTEE

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

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

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

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

(a) Safety, including the projected reduction of crashes, injuries and fatalities;
(b) Mobility, including projected traffic-flow improvements for freight and passenger cars;
(c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;
(d) The repair and maintenance of bridges;
(e) The purchase of public rights-of-way; and
(f) Children pedestrian safety on the state and local system.

(2)(a) There is hereby established in the state treasury the strategic initiatives program fund, to which shall be deposited:
(a) Notwithstanding the provisions of section 57-814, Idaho Code, the provisions of this paragraph shall only be in effect from the effective date of this act through May 31, 2019. After the close of the fiscal year, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is practicable, the state controller shall transfer fifty percent (50%) of any general fund excess to the strategic initiatives fund.
(b) Any other any appropriated moneys for funding of the strategic initiatives program.

to

(b) Unless otherwise specified, moneys transferred into the strategic initiatives program fund after May 30, 2017, shall be apportioned as follows:

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

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

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

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

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

(c) Fifty percent (50%) of the funds appropriated to the strategic initiatives grant program described in this subsection shall be awarded to large urban areas that have a population greater than fifty thousand (50,000), and fifty percent (50%) of such funds shall be awarded to rural areas or to small urban areas with a population that is less than fifty thousand (50,000). For fiscal year 2024 only, the first thirty-six million dollars ($36,000,000) appropriated to the strategic initiatives grant program shall be used by the Idaho transportation department on local roads to mitigate the impact of adding new connections of state highways to interstate highways. The Idaho transportation department shall report annually to the transportation and defense committee of the house of representatives and the transportation committee of the senate of the legislature regarding the strategic initiatives grant program.

(4) Interest earned on the investment of idle moneys in the funds established pursuant to this section shall be paid to the fund such funds. All moneys in the strategic initiatives program fund shall be used for funding the strategic initiatives program. All moneys in the strategic initiatives grant program fund shall be used for funding the strategic initiatives grant program. All moneys in the funds established pursuant to this section are hereby continuously appropriated to the Idaho transportation department.

SECTION 2. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.
IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 87

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

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

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

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

40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM -- FUND ESTABLISHED. (1) The Idaho transportation department shall establish and maintain a transportation expansion and congestion mitigation program.
(2) The fund established pursuant to this section shall finance projects that expand the state system to address and mitigate transportation congestion. The projects shall be evaluated by the Idaho transportation department and shall be chosen by the Idaho transportation board based on a policy that may include mitigation of traffic times, improvement to traffic flow and mitigation of traffic congestion.
(3) There is hereby established in the state treasury the transportation expansion and congestion mitigation fund, to which shall be deposited:
(a) All moneys distributed pursuant to section 63-2520, Idaho Code;
(b) All moneys distributed pursuant to section 63-3638, Idaho Code; and
(c) Any other appropriated moneys for funding the transportation expansion and congestion mitigation program.
(4) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for the transportation expansion and congestion mitigation program.
(5) The Idaho housing and finance association is hereby authorized to issue bonds, secured by otherwise unobligated moneys in the fund established in subsection (3) of this section, for the purpose of financing state transportation projects approved by the Idaho transportation board. The Idaho transportation board shall take into consideration the mitigation of traffic congestion from the state campus site located at 11311 West Chinden Boulevard, Boise, as a priority when approving transportation projects. Moneys from the fund established in subsection (3) of this section shall be used to pay any of the principal, interest, and other amounts for state transportation projects approved by the Idaho transportation board and required for bonds issued pursuant to this subsection in accordance with the provisions of chapter 62, title 67, Idaho Code. If such bonds are issued, moneys in the fund shall first be continuously appropriated and used for repayment of said bonds in accordance with subsection (7) of this section.
(6) The authority provided in subsection (5) of this section shall be used only to issue bonds on an approved resolution by the Idaho transportation board requesting that the Idaho housing and finance association issue bonds contingent upon:

(a) The availability of otherwise unobligated moneys in the fund, established in subsection (3) of this section, necessary to meet bond service obligations;
(b) The moneys disbursed being used in accordance with United States treasury regulations to ensure tax-exempt status is retained, unless tax-exempt bonds are not available; and
(c) The issuance of bonds at prevailing market rates of interest.

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after 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 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-
ffic congestion, travel delays, engine idle time, and unproductive fuel con-
sumption. Congestion mitigation includes and is limited to improving ve-

cicle traffic flow and travel times through expanding vehicle travel lanes,

(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.
"Controlled-access facility" means a highway especially designed for through traffic to which owners or occupants of abutting land have no right or easement or only a controlled right or easement of access by reason of the fact that their property abuts upon the controlled-access facility. These highways may be freeways open to use by all customary forms of highway traffic or they may be parkways from which trucks, buses and other commercial vehicles shall be excluded.

"County highway system" or "county secondary highways" means all public highways in a county except those included within the state highway system, those under another state agency, those included within city highway systems of incorporated cities, those included within a highway district highway system, and those under federal control.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.
RELATING TO PROPERTY TAX RELIEF; AMENDING SECTION 63-3638, IDAHO CODE, AS AMENDED IN SECTION 15 OF HOUSE BILL NO. 292, IF ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN SALES TAX REVENUES TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND AND TO LOCAL UNITS OF GOVERNMENT FOR HIGHWAY PROJECTS; AND DECLARING AN EMERGENCY.

Be it enacted by the Legislature of the State of Idaho:

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

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

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

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

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

4. An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

5. An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.
(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

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

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

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

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

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

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the
various cities shall receive the same amount received for the same
quarter of the previous fiscal year.

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

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

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

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

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

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

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

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

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

1. Each county that received a payment under the provisions
of section 63-3638(e), Idaho Code, as that subsection ex-
isted immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

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

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

4. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

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

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

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

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

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.
(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

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

(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.

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

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

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

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

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

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

(b) The remaining moneys in excess of eighty million dollars ($80,000,000) provided for in this subsection is continuously appropriated and shall be apportioned to local units of government for local highway projects in the same percentages provided for in section 40-709(1) through (3), Idaho Code. Local units of government may pool
funds allocated to them pursuant to this paragraph for local highway projects.

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

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.
LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature First Regular Session - 2023

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY WAYS AND MEANS COMMITTEE

AN ACT

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

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

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

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

(2) It is further the declared policy of the legislature that, except as otherwise provided, all highway-user revenues accruing to the state highway account and all ad valorem levies accruing pursuant to chapter 8, title 40, Idaho Code, shall be spent in support of the operations, administration, maintenance, construction, and development of bridges and highways that benefit primarily motor vehicles in the local highway jurisdiction. All moneys apportioned to the board, counties or highway districts, and cities from the proceeds from the imposition of tax on fuels and from any tax or fee for the registration or operation of motor vehicles for general highway construction and maintenance, bridge and culvert moneys, shall be accounted for as to the actual expenditure to the state controller, as dedicated funds by a certification of the governing unit receiving, budgeting and expending those dedicated funds. The certification shall list the actual funds received for the budgetary period in each category of dedicated funds and the actual expenditure of the used dedicated funds. Any balance of dedicated funds unexpended must be shown and accounted for as a beginning balance in the next regular budget. The certification shall be prepared by the director, county auditor or highway district treasurer or city clerk and shall be signed by the elected county or highway district commissioners, mayor, council, or board members of the respective reporting governmental unit. The certification shall be made by the 31st of December of each year for the preceding fiscal budget year and shall be published once as a legal
notice between January 1st and the 15th of January and January 15. Failure to make certification, failure to publish or the making of false statements in the certification shall subject the person so doing to the penalties prescribed in section 40-207, Idaho Code, or be used as the grounds for removal from office of the offending officials. The state controller is empowered to withhold the distribution of funds for noncompliance with the provisions of this section, but upon compliance shall authorize the distribution to be made.

(3) Moneys remaining unexpended in dedicated funds shall not be budgeted and or expended for uses other than the limits of the dedicated fund.

(4) Highway districts may accumulate fund balances at the end of a fiscal year and carry over those fund balances into the ensuing fiscal year sufficient to achieve or maintain highway district operations on a cash basis. A fund balance is the excess of the assets of a fund over its liabilities and reserves.

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

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

Be it enacted by the Legislature of the State of Idaho:

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

40-1406. POWERS AND DUTIES OF HIGHWAY COMMISSIONERS -- ONE HIGHWAY DISTRICT IN COUNTY -- HIGHWAY POWERS OF CITIES IN COUNTY ABOLISHED -- LAWS IN CONFLICT SUPERSEDED. The highway commissioners of a county-wide highway district shall exercise all of the powers and duties provided in chapter 13 of this title, title 40, Idaho Code, and are empowered to make highway ad valorem tax levies as provided by chapter 8, of this title 40, Idaho Code. Only one (1) county-wide highway district shall be operative within a county where the electorate has voted affirmatively for the formation of a county-wide highway district. The district shall specifically be responsible for all county secondary and city highways and is hereby recognized as a body politic of this state. Notwithstanding any other provision of Idaho Code, the highway district may operate and expand an established public van and carpooling program, rideshare platform, or park-and-ride facility. No city included within a county-wide highway district shall maintain or supervise any city highways, or levy any ad valorem taxes for the construction, repair or maintenance of city highways. No highway district included within a county-wide highway district shall maintain any secondary highways or levy any ad valorem taxes for the construction, repair or maintenance of highways. Wherever any provisions of the existing laws of the state of Idaho are in conflict with the provisions of this chapter, the provisions of this chapter shall control and supersede all such laws. However, within the limits of any city, the city may expend city funds for the placement, care and removal of trees, shrubs, grass, and other plants, which that are located within the rights-of-way of any highway of the county-wide highway district.

The commissioners of a county-wide highway district may pass ordinances and rules and make all regulations, not repugnant to law, as necessary, for carrying into effect or discharging all powers and duties conferred to a county-wide highway district pursuant to this chapter and chapter 13 of this title, title 40, Idaho Code. All ordinances created or passed by the commissioners of a county-wide highway district shall require the affirmative vote of two-thirds (2/3) of the members of the full county-wide highway district commission. The style of all ordinances shall
be: "BE IT ORDAINED by the board of highway district commissioners of
(........) County, Idaho." All ordinances passed shall, before they take
effect and within one (1) month after they are passed, be published in at
least one (1) issue of a newspaper published in the county or, if no paper
be published in the county, then in some paper having general circulation
therein. After such publication and before its effective date, such pro-
posed ordinance shall not thereafter be amended in any particular wherein
the amendment shall impose terms, conditions or privileges less favorable
to the county-wide highway district than the proposed ordinance as pub-
lished; but amendment favorable to the county-wide highway district may
be made at any time and after publication. All ordinances passed pursuant
to this section by the board of county-wide highway district commissioners
may be proved by a certificate of the secretary of the county-wide highway
district under the seal of the board of the county-wide highway district
commissioners and shall be read and received in evidence in all courts
and administrative proceedings without further proof. If ordinances duly
passed are printed or published in book or pamphlet form by authority of the
county-wide highway district commissioners, the printed or published book
or pamphlet shall also be read and received in evidence in all courts and
administrative proceedings without further proof. The commissioners of the
county-wide highway district may enforce such ordinances by all appropriate
administrative or judicial proceedings.

SECTION 2. An emergency existing therefore, which emergency is hereby
declared to exist, this act shall be in full force and effect on and after
July 1, 2023.
LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature First Regular Session - 2023

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 25, As Amended in the Senate

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO THE CAPITOL BUILDING AND GROUNDS; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1605A, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION TO CONTROL VEHICULAR USE OF THE ROADWAYS ADJOINING THE CAPITOL BUILDING; AND DECLARING AN EMERGENCY.

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

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

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

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