

Moved by Winder

Seconded by Anthon

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 198

AMENDMENT TO THE BILL

1
2 On page 1 of the printed bill, delete lines 8 through 42; and delete pages
3 2 and 3, and insert:

4 "SECTION 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT. It is the in-
5 tent of the Legislature to meet the funding needs of schools and also to grant
6 tax relief to the citizens of Idaho by reducing their property tax burdens.
7 The Legislature finds that property taxes are being driven to a large ex-
8 tent by supplemental levies and bonds for schools and that enhanced funding
9 for education at the state level can mitigate the need for reliance on local
10 property taxpayers for school operations and facility costs.

11 SECTION 2. That Chapter 9, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 33-911, Idaho Code, and to read as follows:

14 33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created
15 in the state treasury the school district facilities fund. The fund shall
16 consist of moneys provided pursuant to sections 57-810 and 63-3638, Idaho
17 Code, and any other legislative transfers or appropriations. Interest
18 earned from the investment of moneys in the fund shall be returned to the
19 fund.

20 (2) The moneys in the fund shall be distributed by the state controller
21 to the state department of education by August 1 each year for the purpose
22 of construction or renovation of school facilities. The moneys shall be
23 distributed by the state department of education to each school district,
24 as defined in section 33-1001(21), Idaho Code, on a per-pupil basis, us-
25 ing the average daily attendance calculation provided in section 33-1003A,
26 Idaho Code, except that a student attending less than half-time through a
27 virtual learning program shall not be counted toward that school district's
28 average daily attendance calculation. The state department of education
29 shall transfer the moneys by no later than August 31 each year to each school
30 district. Such moneys shall be used in place of property tax levy moneys and
31 shall be expended by a school district for one (1) or more of the purposes set
32 forth in paragraphs (a) through (d) of this subsection. Moneys in the fund
33 must be used by a school district in the following order of priority:

34 (a) Payment of existing school bonds authorized pursuant to chapter 11,
35 title 33, Idaho Code;

36 (b) Payment of supplemental school levies authorized pursuant to sec-
37 tion 33-802, Idaho Code, excluding indefinite term supplemental levies
38 described in section 33-802(5), Idaho Code;

1 (c) Saved in a reserve account by the school district for future school
2 facility construction or renovation needs; and

3 (d) For use in securing and making payments on a new school facilities
4 bond.

5 (3) The amount of moneys received by a school district pursuant to this
6 section must be deducted from a school levy that would otherwise have been
7 paid by property taxpayers. Such moneys may not be duplicated by the collec-
8 tion of property tax, and no property taxes may be collected in order to make
9 extra payments on expenses described in subsection (2) of this section in ex-
10 cess of required amounts.

11 (4) Each school district shall identify the amount received in the cur-
12 rent year pursuant to this section in the certification of its budget in ac-
13 cordance with section 63-803, Idaho Code. Said amount must be subtracted
14 from the amount to be levied. The amount of moneys thereby saved from being
15 collected by a property tax levy shall be reported on each property tax no-
16 tice pursuant to section 63-902, Idaho Code.

17 (5) Each school district shall report annually to the state department
18 of education, in a manner prescribed by it, on the expenditure of moneys it
19 has received pursuant to this section. The state department of education
20 shall present the reports to the legislature each January.

21 SECTION 3. That Chapter 8, Title 57, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 57-810, Idaho Code, and to read as follows:

24 57-810. CASH TRANSFERS FOR PROPERTY TAX RELIEF. Notwithstanding the
25 provisions of section 57-814, Idaho Code, after the close of each fiscal year
26 in 2023, 2024, and 2025, the state controller shall determine any excess cash
27 balance in the general fund. When calculating any excess cash balance, the
28 state controller shall first provide for the ending balance, as determined
29 by the legislative record, to be carried over into the next fiscal year, plus
30 an amount sufficient to cover encumbrances as approved by the division of fi-
31 nancial management and an amount sufficient to cover any reappropriation as
32 authorized by the legislature. On July 1, or as soon thereafter as is practi-
33 cable, of each such year, there is hereby appropriated one hundred fifty mil-
34 lion dollars (\$150,000,000) or the balance of the general fund excess cash
35 balance, whichever is less, to be transferred as follows:

36 (1) The state controller shall transfer the first fifty million dollars
37 (\$50,000,000) to the homeowner property tax relief account established pur-
38 suant to the provisions of section 63-724, Idaho Code; and

39 (2) The state tax commission shall transfer the remaining moneys to be
40 used for the purpose of property tax relief in the following manner. Fifty
41 percent (50%) of the remaining moneys shall be distributed to the school dis-
42 trict facilities fund established pursuant to section 33-911, Idaho Code,
43 and fifty percent (50%) shall be distributed to each county in the propor-
44 tion that the amount of property taxes levied for the current tax year and
45 approved pursuant to section 63-809, Idaho Code, on all taxable properties
46 in the county bears to the total amount of property taxes levied for the cur-
47 rent tax year and approved pursuant to section 63-809, Idaho Code, in all the
48 counties. This amount shall be certified to the county auditor and tax col-

1 lector by the state tax commission no later than the first Monday in Novem-
 2 ber. Each county shall apply the moneys received as a credit on each prop-
 3 erty owner's property tax bill in proportion to the amount of property taxes
 4 on the property and shall distribute the moneys in the same manner as if they
 5 were property taxes.

6 SECTION 4. That Section 63-705, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX
 9 OR OCCUPANCY TAX REDUCTION AMOUNTS. (1)~~(a)~~ The state tax commission shall
 10 publish adjustments to the income limitations, which shall be the greater
 11 of:

12 ~~(i)~~ (a) An individual's income as defined in section 63-701, Idaho
 13 Code, of not more than ~~thirty-one thousand nine hundred dollars~~
 14 ~~(\$31,900)~~ thirty-seven thousand dollars (\$37,000) per household for
 15 tax year ~~2021~~ 2023 and each tax year thereafter; or

16 ~~(ii)~~ (b) One hundred eighty-five percent (185%) of the federal poverty
 17 guidelines for a household of two (2) for tax year 2021 and each tax year
 18 thereafter.

19 ~~(b)~~ (2) On and after January 1, ~~2022~~ 2023, if the current year's as-
 20 sessed value of the home owned by the individual, according to the current
 21 year's assessment notice, exceeds the greater of ~~three hundred thousand dol-~~
 22 ~~lars (\$300,000)~~ or ~~one hundred fifty percent (150%)~~ four hundred thousand
 23 dollars (\$400,000) or two hundred percent (200%) of the median assessed val-
 24 uation for all homes in the county receiving the homestead exemption pur-
 25 suant to section 63-602G, Idaho Code, then the individual will instead be
 26 referred to the property tax deferral program set forth in sections 63-712
 27 through 63-721, Idaho Code. Using the current year's assessed values, each
 28 county shall report the median assessed value of all properties receiving
 29 the homestead exemption in such county as of that date to the state tax com-
 30 mission no later than the first Monday in June. Provided, however, the pro-
 31 visions of this paragraph do not apply to a veteran with either a service-
 32 connected disability of one hundred percent (100%) or a disability rating
 33 based on individual unemployability rating that is compensated at the one
 34 hundred percent (100%) disability rate, as certified by the United States
 35 department of veterans affairs.

36 ~~(e)~~ (3) The lowest income limitation shall allow a maximum reduction
 37 of one thousand five hundred dollars (\$1,500) in tax year 2021 and there-
 38 after, or actual property taxes or occupancy taxes, as applicable, whichever
 39 is less. Each income limitation and reduction amount shall be prorated based
 40 on the basic maximum reduction, in practicable increments, so that the high-
 41 est income limitation will provide for a reduction of two hundred fifty dol-
 42 lars (\$250), or actual property taxes, whichever is less.

43 ~~(2)~~ (4) The state tax commission shall publish the adjustments required
 44 by this section each and every year the secretary of health and human ser-
 45 vices announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i).
 46 The adjustments shall be published no later than October 1 of each such year
 47 and shall be effective for claims filed in and for the following property tax
 48 year.

1 ~~(3)~~ (5) The publication of adjustments under this section shall be ex-
 2 empt from the provisions of chapter 52, title 67, Idaho Code, but shall be
 3 provided to each county and to members of the public upon request and without
 4 charge.

5 SECTION 5. That Chapter 7, Title 63, Idaho Code, be, and the same is
 6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 7 ignated as Section 63-724, Idaho Code, and to read as follows:

8 63-724. HOMEOWNER PROPERTY TAX RELIEF. (1) It is the intent of the
 9 legislature to provide property tax relief on owner-occupied properties in
 10 Idaho receiving the homestead property tax exemption pursuant to section
 11 63-602G, Idaho Code, as of the second Monday in July each year by providing
 12 state moneys as replacement funding as provided in this section. This sec-
 13 tion does not apply to occupancy taxes levied pursuant to section 63-317,
 14 Idaho Code.

15 (2) For the purpose of this section:

16 (a) "Eligible property taxes" means all property tax levies on homes
 17 receiving the homestead property tax exemption pursuant to section
 18 63-602G, Idaho Code, as of the second Monday in July each year, ex-
 19 cept for bonds, school district levies, plant facility levies, and any
 20 voter-approved temporary levy for a specific duration. When calculat-
 21 ing the eligible property taxes for the purpose of this section, the
 22 taxable value of each property shall include the value of no more than
 23 one (1) acre.

24 (b) "Homeowner property tax relief homestead" means a property receiv-
 25 ing the homestead property tax exemption pursuant to section 63-602G,
 26 Idaho Code, as of the second Monday in July each year.

27 (3) There is hereby created in the state treasury the homeowner prop-
 28 erty tax relief account. Moneys in this account shall consist of moneys
 29 transferred from the general fund and are continuously appropriated for
 30 homeowner property tax relief pursuant to the provisions of this section.

31 (4) The county assessor shall prepare a homeowner property tax relief
 32 roll, which shall be in addition to all other property rolls. By no later
 33 than the fourth Monday of August each year, the homeowner property tax relief
 34 roll shall be certified by the county assessor to the county auditor and to
 35 the state tax commission in the manner prescribed by rules promulgated by the
 36 state tax commission. The homeowner property tax relief roll shall show:

37 (a) The name of the taxpayer;

38 (b) An accurate description of the homeowner property tax relief home-
 39 stead; and

40 (c) The property's current market value for assessment purposes.

41 (5) (a) The county auditor shall complete the homeowner property tax re-
 42 lief roll by adding the following information:

43 (i) The current year's levy for the tax code area in which the
 44 property is situated;

45 (ii) The amount of eligible property taxes levied on each qualify-
 46 ing homestead; and

47 (iii) The total amount of eligible property taxes levied on all
 48 properties within the county that are receiving the homestead

1 property tax exemption as of the second Monday in July of each
2 year.

3 (b) By no later than the fourth Monday of October each year, the county
4 auditor shall certify the completed homeowner property tax relief roll
5 to the state tax commission in the manner prescribed by rules promul-
6 gated by the state tax commission.

7 (6) The state tax commission shall determine the total number of home-
8 owner property tax relief homesteads to be allowed in each county, the dol-
9 lar amount of eligible property taxes for each homeowner property tax relief
10 homestead allowed, and the total dollar amount of eligible property taxes
11 for all homeowner property tax relief homesteads within each county. The
12 state tax commission shall divide the moneys in the homeowner property tax
13 relief account as of August 1 each year by the total dollar amount of eligi-
14 ble property taxes levied on all such property tax relief homesteads in all
15 counties, then multiply the result by the total amount of eligible property
16 taxes levied on such homesteads in each county. This amount shall be certi-
17 fied to the county auditor and tax collector by the state tax commission no
18 later than the first Monday in November. By no later than December 20 of each
19 year, the state tax commission shall pay to the county tax collector of each
20 county the first half of the amount due to each county as reimbursement for
21 homeowner property tax relief as provided in this section and shall pay the
22 second half of such amount by no later than June 20 of the following year.

23 (7) The state tax commission may audit each and every property on the
24 homeowner property tax relief roll. If the state tax commission determines
25 that a homeowner property tax relief homestead credit is erroneous, the
26 state tax commission shall disapprove as much of the credit as necessary in
27 order to conform with statutory standards. The state tax commission shall
28 provide the homeowner written notice of the state tax commission's intent
29 to disapprove all or a portion of the credit. The homeowner shall have
30 twenty-eight (28) days to make written protest to the state tax commission
31 of the intended action. The homeowner may submit additional information and
32 may request an informal hearing with the state tax commission. If the home-
33 owner fails to make written protest within twenty-eight (28) days, the state
34 tax commission shall provide written notice of disapproval to both the home-
35 owner and the county auditor of the county in which the property is situated
36 by December 20. Any homeowner whose claim is disapproved in whole or in part
37 by the state tax commission may appeal such disapproval to the board of tax
38 appeals or to the district court of the county of residence of the taxpayer
39 within thirty (30) days.

40 (8) Each county treasurer shall apply the moneys received pursuant to
41 subsection (6) of this section to the eligible property taxes levied on the
42 properties listed on the certified homeowner property tax relief roll that
43 year. The moneys shall be designated as a line item credit against the to-
44 tal of all eligible property taxes on the property tax bill for each property
45 receiving the tax relief provided by this section. Such moneys shall be dis-
46 tributed in the same manner as property tax revenues.

47 (9) The amount of property tax relief for a homeowner's property taxes
48 shall be applied after the homestead exemption pursuant to section 63-602G,
49 Idaho Code, has been applied. The property tax relief amount cannot exceed
50 the actual amount of current eligible property taxes due on the homeowner's

1 property tax notice. No delinquent property taxes, penalties, interest, or
2 fines may be paid with moneys from this program.

3 (10) Nothing in this section shall prevent a homeowner from applying
4 for or receiving any other property tax relief provided pursuant to this
5 chapter. The property tax relief provided pursuant to this section shall be
6 credited to the homeowner's property tax bill before any other property tax
7 relief is applied, up to a maximum of the actual property taxes due on the
8 homeowner property tax relief homestead.

9 (11) Any amount of homeowner property tax relief moneys distributed by
10 the state tax commission to a county that exceeds the total amount of all el-
11 igible property taxes due from all homeowner property tax relief homesteads
12 in the county shall revert to the state general fund. The county treasurer
13 shall deposit such moneys with the state treasurer by the fourth Monday in
14 July each year for the preceding property tax year.

15 (12) Within three (3) years of payment, the state tax commission may re-
16 cover any erroneous or incorrect payment made to any homeowner receiving re-
17 lief under this section. The deficiency determination, collection, and en-
18 forcement procedures provided in chapter 30, title 63, Idaho Code, shall ap-
19 ply and be available to the state tax commission for enforcement and collec-
20 tion under this section. Wherever liens or any other proceedings are defined
21 as income tax liens or proceedings, they shall, when applied in enforcement
22 or collection under this section, be described as tax relief liens and pro-
23 ceedings. In connection with this section, a deficiency shall consist of any
24 amount erroneously paid on behalf of a homeowner under this section.

25 SECTION 6. That Section 63-902, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 63-902. PROPERTY TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (1)
28 For property on the property roll or operating property roll, the county tax
29 collector must, prior to the fourth Monday of November in each year, mail or
30 transmit electronically, as that term is defined in section 63-115, Idaho
31 Code, if electronic transmission is requested by the taxpayer, to every tax-
32 payer, or to his agent or representative, at his last known post office ad-
33 dress, a tax notice prepared upon forms prescribed in section 63-219, Idaho
34 Code, which shall contain at least the following:

- 35 (a) The year in which the property tax was levied;
- 36 (b) The name and address of the property owner;
- 37 (c) An accurate description of the property or, in lieu thereof, the tax
38 number of record;
- 39 (d) The parcel number;
- 40 (e) Full market value for assessment purposes;
- 41 (f) The total amount of property taxes due:
 - 42 (i) State;
 - 43 (ii) County;
 - 44 (iii) City;
 - 45 (iv) School district separately shown as:
 - 46 (A) Maintenance and operation;
 - 47 (B) Bond;
 - 48 (C) Supplemental;

- 1 (D) Other;
- 2 (v) And every other tax being separately shown.
- 3 (g) All property tax levies in the tax code area;
- 4 (h) The expiration dates of all bonds and levies approved by vot-
- 5 ers at an election for each taxing district as defined in section
- 6 63-3101, Idaho Code, submitted to the tax collector pursuant to section
- 7 63-803(5), Idaho Code;
- 8 (i) The date when such property taxes become delinquent;
- 9 (j) Notation of delinquencies against said property;
- 10 (k) Whether an interim payment account exists;
- 11 (l) The combined amount of property tax savings, which shall be la-
- 12 beled on the notice as "tax relief appropriated by the Legislature", for
- 13 each taxpayer as a result of moneys received by a school district from
- 14 the school district facilities fund established pursuant to section
- 15 33-911, Idaho Code, and the homeowner property tax relief granted pur-
- 16 suant to section 63-724, Idaho Code, if any;
- 17 ~~(l)~~ (m) The different payment options available to the taxpayer, his
- 18 agent, or representative, which shall be printed in boldface type in a
- 19 contrasting color or highlighted on the face of the tax notice; and
- 20 ~~(m)~~ (n) The total amount of property taxes for the previous tax year.
- 21 (2) The information required by subsection (1) (h) of this section may
- 22 be satisfied if the county treasurer provides an annual insert with the tax
- 23 notice or a link on the tax notice to the county website where the information
- 24 required by subsection (1) (h) of this section can be accessed. Such infor-
- 25 mation must be archived on the county website. In addition to including the
- 26 link to the county website, the county treasurer may also include on the tax
- 27 notice a quick response code to access the information required by subsec-
- 28 tion (1) (h) of this section.
- 29 (3) The tax notices shall be numbered consecutively and the numbers
- 30 must be entered upon all property rolls.
- 31 (4) Tax notices prepared in tax code area format shall state that levy
- 32 sheets are available to the public.
- 33 (5) Levy sheets shall list the total property tax levy for each taxing
- 34 district or taxing jurisdiction and the total in each tax code area.
- 35 (6) If the taxpayer is one other than the equitable titleholder, such as
- 36 an escrowee, trustee of trust deed or other third party, the taxpayer shall
- 37 deliver to the equitable titleholder a statement of the total amount of prop-
- 38 erty taxes billed, on or before the second Monday of December.
- 39 (7) The tax collector in each county of the state is authorized to de-
- 40 stroy all duplicate property tax receipts and microfilm of tax receipts on
- 41 file in his office as they reach ten (10) years old. Property tax receipts
- 42 may be destroyed if information has been replicated in other storage media.
- 43 (8) Computer and data processing routines for completion of all phases
- 44 of the property tax roll procedures may be utilized with the responsibility
- 45 for completion of each office's statutory duties to remain under the super-
- 46 vision of that office. Wherever the designation "property roll" appears
- 47 within title 63, Idaho Code, data processing or computer procedures and
- 48 forms may be substituted as permanent records.
- 49 (9) The county tax collector must, as soon as possible after the sub-
- 50 sequent or missed property roll is delivered to him from the county auditor,

1 mail or transmit electronically, if electronic transmission is requested by
 2 the taxpayer, a notice to every taxpayer listed on the subsequent or missed
 3 property roll, or to his agent or representative. The notice shall conform
 4 as nearly as possible to the notice required for property listed on the prop-
 5 erty roll.

6 (10) Failure to mail or transmit electronically, if electronic trans-
 7 mission is requested by the taxpayer, such property tax notice, or receipt of
 8 said notice by the taxpayer, shall not invalidate the property taxes, or any
 9 proceedings in the collection of property taxes, or any proceedings in the
 10 foreclosure of property tax liens.

11 (11) No charge, other than property taxes, shall be included on a tax
 12 notice unless the entity placing such charge has received approval from the
 13 board of county commissioners to place such charge on the tax notice and such
 14 entity:

15 (a) Has the authority by law to place a lien on property; and

16 (b) Has the authority to certify such charge to the auditor; and

17 (c) Is required to collect such charge in the same manner provided by
 18 law for the collection of real and personal property taxes.

19 (12) If a taxpayer requests to receive a tax notice electronically, the
 20 request must be made on a form provided by the county tax collector.

21 SECTION 7. That Section 63-3024B, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 63-3024B. IDAHO TAX REBATE FUND. (1) There is hereby created in the
 24 state treasury the Idaho tax rebate fund for the purpose of implementing the
 25 provisions of this section.

26 (a) Up to two hundred twenty million dollars (\$220,000,000), less ad-
 27 ministrative costs, shall be distributed by the state tax commission
 28 to pay rebates to individual taxpayers as provided in subsection (2) of
 29 this section, which moneys are continuously appropriated.

30 (b) For rebates authorized under subsection (3) of this section, up to
 31 three hundred fifty million dollars (\$350,000,000), less administra-
 32 tive costs, shall be distributed by the state tax commission to pay re-
 33 bates to individual taxpayers, which moneys are continuously appropri-
 34 ated.

35 (c) For rebates authorized under subsection (4) of this section, up
 36 to five hundred million dollars (\$500,000,000), less administrative
 37 costs, shall be distributed by the state tax commission to pay rebates
 38 to individual taxpayers, which moneys are continuously appropriated.

39 (d) On June 1, 2023, of the moneys remaining following the distri-
 40 butions authorized pursuant to paragraphs (a), (b), and (c) of this
 41 subsection, anticipated to be approximately one hundred thirty million
 42 dollars (\$130,000,000), fifty percent (50%) shall be transferred by the
 43 state controller to the homeowner property tax relief account estab-
 44 lished pursuant to section 63-724, Idaho Code, and fifty percent (50%)
 45 shall be transferred by the state controller to the school district fa-
 46 cilities fund established pursuant to section 33-911, Idaho Code.

47 (2) After filing a 2020 Idaho individual income tax return or form 24 on
 48 or before December 31, 2021, any full-year resident taxpayer who also filed

1 an individual income tax return or a form 24 for 2019 shall receive a onetime,
2 nontaxable income tax rebate check in an amount approximately equal to nine
3 percent (9%) of the tax amount, if any, reported on 2019 form 40, line 20,
4 or for service members on 2019 form 43, line 42, or fifty dollars (\$50.00)
5 per taxpayer and each dependent, whichever is more. Any unexpended moneys
6 remaining from the rebate authorized under this subsection shall be added by
7 the state tax commission to the moneys designated for the rebate authorized
8 under subsection (3) of this section.

9 (3) After filing a 2021 Idaho individual income tax return or form 24 on
10 or before December 31, 2022, any full-year resident taxpayer who also filed a
11 2020 individual income tax return or form 24 on or before December 31, 2022,
12 shall receive a onetime, nontaxable income tax rebate check in an amount ap-
13 proximately equal to twelve percent (12%) of the tax amount, if any, reported
14 on 2020 form 40, line 20, or for service members on 2020 form 43, line 42, or
15 seventy-five dollars (\$75.00) per taxpayer and each dependent, whichever is
16 more. The state tax commission shall issue such rebates during the 2022 fis-
17 cal year and 2023 fiscal year to the extent possible.

18 (4) In addition to the rebate granted under subsection (3) of this sec-
19 tion, after filing a 2021 Idaho individual income tax return or form 24 on or
20 before December 31, 2022, any full-year resident taxpayer who also filed a
21 2020 individual income tax return or a form 24 on or before December 31, 2022,
22 shall receive a onetime nontaxable income tax rebate check in an amount ap-
23 proximately equal to ten percent (10%) of the tax amount, if any, reported
24 on 2020 form 40, line 20, or for service members on 2020 form 43, line 42,
25 or three hundred dollars (\$300) per individual return or six hundred dollars
26 (\$600) per joint return, whichever is more. The state tax commission shall
27 issue such rebates during the 2023 fiscal year to the extent possible.

28 SECTION 8. That Section 63-3638, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
31 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,
32 and 63-3709, Idaho Code, and except as provided in subsection (16) of this
33 section, shall be distributed by the state tax commission as follows:

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

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

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

44 (4) An amount equal to the sum required to be certified by the chair-
45 man of the Idaho housing and finance association to the state tax commis-
46 sion pursuant to section 67-6211, Idaho Code, in each year is continuously
47 appropriated and shall be paid to any capital reserve fund established by
48 the Idaho housing and finance association pursuant to section 67-6211, Idaho

1 Code. Such amounts, if any, as may be appropriated hereunder to the capital
2 reserve fund of the Idaho housing and finance association shall be repaid for
3 distribution under the provisions of this section, subject to the provisions
4 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-
5 tion, as soon as possible, from any moneys available therefor and in excess
6 of the amounts the association determines will keep it self-supporting.

7 (5) An amount equal to the sum required by the provisions of sections
8 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
9 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
10 paid as provided by sections 63-709 and 63-717, Idaho Code.

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

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

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

35 (9) One dollar (\$1.00) on each application for certificate of title
36 or initial application for registration of a motor vehicle, snowmobile,
37 all-terrain vehicle or other vehicle processed by the county assessor or the
38 Idaho transportation department, excepting those applications in which any
39 sales or use taxes due have been previously collected by a retailer, shall be
40 a fee for the services of the assessor of the county or the Idaho transporta-
41 tion department in collecting such taxes and shall be paid into the current
42 expense fund of the county or state highway account established in section
43 40-702, Idaho Code.

44 (10) Eleven and five-tenths percent (11.5%) is continuously appro-
45 priated and shall be distributed to the revenue-sharing account, which is
46 hereby created in the state treasury, and the moneys in the revenue-sharing
47 account will be paid in installments each calendar quarter by the state tax
48 commission as follows:

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

1 (i) Beginning in fiscal year 2025 and each fiscal year there-
2 after, four million dollars (\$4,000,000) shall be transferred
3 each quarter to the state public defense fund created in section
4 57-827, Idaho Code.

5 (ii) After the distribution required by subparagraph (i) of this
6 paragraph, the revenue-sharing amount calculated by the state tax
7 commission for the various cities for each quarter of fiscal year
8 2020 shall be the base amount for current quarterly revenue dis-
9 tribution amounts. The state tax commission shall calculate the
10 per capita distribution for each city resulting from the previous
11 fiscal year's distributions.

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

16 (iv) If the balance of the revenue-sharing account for the current
17 quarter is greater than the balance of the revenue-sharing account
18 for the same quarter of the previous fiscal year, then:

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

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

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

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

49 (i) Beginning in fiscal year 2025, five million dollars
50 (\$5,000,000) shall be transferred each quarter to the state public

1 defense fund created in section 57-827, Idaho Code. The growth
2 percentage distributed pursuant to this subparagraph shall be re-
3 calculated each quarter beginning in fiscal year 2026 and in each
4 fiscal year thereafter through fiscal year 2030. If the growth is
5 positive and is calculated over the same period from the previ-
6 ous fiscal year, a proportional increase in the initial transfer
7 amount of up to five percent (5%) annually shall be transferred to
8 the state public defense fund. After fiscal year 2030, an amount
9 equal to one-fourth (1/4) of the total amount transferred to the
10 state public defense fund in fiscal year 2030 pursuant to this
11 subparagraph shall be transferred quarterly to the state public
12 defense fund;

13 (ii) Following the distribution required by subparagraph (i) of
14 this paragraph, fifty-nine and eight-tenths percent (59.8%) of
15 the amount to be distributed under this paragraph (b) of this sub-
16 section shall be distributed as follows:

17 1. One million three hundred twenty thousand dollars
18 (\$1,320,000) annually shall be distributed one forty-fourth
19 (1/44) to each of the various counties; and

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

24 (iii) Following the distribution required by subparagraph (i) of
25 this paragraph, forty and two-tenths percent (40.2%) of the amount
26 to be distributed under this paragraph (b) of this subsection
27 shall be distributed as follows:

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

33 2. If the dollar amount of money available under this sub-
34 section (10)(b)(iii) in any quarter does not equal the
35 amount paid in the fourth quarter of calendar year 1999, each
36 county's payment shall be reduced proportionately.

37 3. If the dollar amount of money available under this sub-
38 section (10)(b)(iii) in any quarter exceeds the amount paid
39 in the fourth quarter of calendar year 1999, each county
40 shall be entitled to a proportionately increased payment,
41 but such increase shall not exceed one hundred five percent
42 (105%) of the total payment made in the fourth quarter of
43 calendar year 1999.

44 4. If the dollar amount of money available under this sub-
45 section (10)(b)(iii) in any quarter exceeds one hundred five
46 percent (105%) of the total payment made in the fourth quar-
47 ter of calendar year 1999, any amount over and above such
48 one hundred five percent (105%) shall be paid to the various
49 counties in the proportion that the population of the county
50 bears to the population of the state; and

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

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

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

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

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

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

36 (vi) Taxing districts formed after January 1, 2001, are not en-
37 titled to a payment under the provisions of this paragraph (c) of
38 this subsection.

39 (vii) For purposes of this paragraph (c) of this subsection, a spe-
40 cial purpose taxing district is any taxing district that is not a
41 city, a county, or a school district.

42 (11) Amounts calculated in accordance with section 2, chapter 356, laws
43 of 2001, for annual distribution to counties and other taxing districts be-
44 ginning in October 2001 for replacement of property tax on farm machinery and
45 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool
46 districts, the state tax commission shall distribute one-fourth (1/4) of
47 this amount certified quarterly to each county. For school districts, the
48 state tax commission shall distribute one-fourth (1/4) of the amount cer-
49 tified quarterly to each school district. For nonschool districts, the
50 county auditor shall distribute such amounts to each district within thirty

1 (30) calendar days from receipt of moneys from the state tax commission.
2 Moneys received by each taxing district for replacement shall be utilized
3 in the same manner and in the same proportions as revenues from property
4 taxation. The moneys remitted to the county treasurer for replacement of
5 property exempt from taxation pursuant to section 63-602EE, Idaho Code, may
6 be considered by the counties and other taxing districts and budgeted at the
7 same time, in the same manner and in the same year as revenues from taxation
8 on personal property which these moneys replace. If taxing districts are
9 consolidated, the resulting district is entitled to an amount equal to the
10 sum of the amounts received in the last calendar quarter by each district
11 pursuant to this subsection prior to the consolidation. If a taxing district
12 is dissolved or disincorporated, the state tax commission shall continu-
13 ously distribute to the board of county commissioners an amount equal to the
14 last quarter's distribution prior to dissolution or disincorporation. The
15 board of county commissioners shall determine any redistribution of moneys
16 so received. If a taxing district annexes territory, the distribution of
17 moneys received pursuant to this subsection shall be unaffected. Taxing
18 districts formed after January 1, 2001, are not entitled to a payment under
19 the provisions of this subsection. School districts shall receive an amount
20 determined by multiplying the sum of the year 2000 school district levy mi-
21 nus .004 times the market value on December 31, 2000, in the district of the
22 property exempt from taxation pursuant to section 63-602EE, Idaho Code, pro-
23 vided that the result of these calculations shall not be less than zero (0).
24 The result of these school district calculations shall be further increased
25 by six percent (6%). For purposes of the limitation provided by section
26 63-802, Idaho Code, moneys received pursuant to this section as property tax
27 replacement for property exempt from taxation pursuant to section 63-602EE,
28 Idaho Code, shall be treated as property tax revenues.

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

32 (13) Amounts calculated in accordance with section 63-602KK(4), Idaho
33 Code, for annual distribution to counties and other taxing districts for
34 replacement of property tax on personal property tax exemptions pursuant
35 to section 63-602KK(2), Idaho Code, which amounts are continuously ap-
36 propriated unless the legislature enacts a different appropriation for a
37 particular fiscal year. For purposes of the limitation provided by section
38 63-802, Idaho Code, moneys received pursuant to this section as property tax
39 replacement for property exempt from taxation pursuant to section 63-602KK,
40 Idaho Code, shall be treated as property tax revenues. If taxing districts
41 are consolidated, the resulting district is entitled to an amount equal to
42 the sum of the amounts that were received in the last calendar year by each
43 district pursuant to this subsection prior to the consolidation. If a taxing
44 district or revenue allocation area annexes territory, the distribution of
45 moneys received pursuant to this subsection shall be unaffected. Taxing
46 districts and revenue allocation areas formed after January 1, 2022, are not
47 entitled to a payment under the provisions of this subsection.

48 (14) For fiscal years 2023 and 2024 only, a sum of thirty-four million
49 dollars (\$34,000,000) shall be distributed each year by the state tax com-
50 mission to the forty-four (44) counties in the proportion that the expen-

1 ditures of each county for indigent defense services during county fiscal
2 year 2021, excluding any state funding or grants, bear to the expenditures
3 of all counties in the state for indigent defense services during county fis-
4 cal year 2021, excluding any state funding or grants. No later than July 1,
5 2022, the state public defense commission shall certify to the state tax com-
6 mission each county's proportionate share of all counties' indigent defense
7 expenses in county fiscal year 2021, excluding any state funding or grants.

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

11 (16) (a) Four and five-tenths percent (4.5%), but not less than eighty
12 million dollars (\$80,000,000), is continuously appropriated and shall
13 be distributed to the transportation expansion and congestion mitiga-
14 tion fund established in section 40-720, Idaho Code.

15 (b) Any portion of the four and five-tenths percent (4.5%) provided for
16 in paragraph (a) of this subsection that exceeds eighty million dollars
17 (\$80,000,000) is continuously appropriated and shall be apportioned
18 to local units of government for local highway projects in the same
19 percentages provided for in section 40-709(1) through (3), Idaho Code.
20 Local units of government may pool funds allocated to them pursuant to
21 this paragraph for local highway projects.

22 (c) The distribution provided for in this subsection must immediately
23 follow the distribution provided for in subsection (10) of this sec-
24 tion.

25 (17) Beginning in fiscal year 2024 and each fiscal year thereafter,
26 three hundred thirty million dollars (\$330,000,000) shall be distributed
27 annually to the public school income fund created in section 33-903, Idaho
28 Code, and eighty million dollars (\$80,000,000) shall be distributed annu-
29 ally to the in-demand careers fund established in section 33-4305, Idaho
30 Code. The state tax commission shall make such transfers in quarterly in-
31 stallments. The distributions required by this subsection must immediately
32 follow the distributions provided for in subsection (16) of this section.

33 (18) For fiscal year 2024 and each fiscal year thereafter, three percent
34 (3%) of revenues collected under this chapter is continuously appropriated
35 and shall be distributed annually to the homeowner property tax relief ac-
36 count established in section 63-724, Idaho Code. The distribution required
37 by this subsection must immediately follow the distributions provided for in
38 subsection (17) of this section.

39 (19) For fiscal year 2024 and each fiscal year thereafter, three percent
40 (3%) of revenues collected under this chapter is continuously appropriated
41 and shall be distributed annually to the school district facilities fund es-
42 tablished pursuant to section 33-911, Idaho Code. The distribution required
43 by this subsection must immediately follow the distributions provided for in
44 subsection (18) of this section.

45 SECTION 9. ONETIME CASH TRANSFER FROM THE GENERAL FUND. Moneys from the
46 General Fund, in addition to moneys from the Idaho Tax Rebate Fund, shall
47 be used to fund the first year of the homeowner property tax relief program
48 pursuant to Section 63-724, Idaho Code, prior to the availability of sales
49 tax funding pursuant to Section 63-3638(18), Idaho Code, as provided in this

1 act. There is hereby appropriated and the State Tax Commission shall trans-
2 fer \$75,000,000 from the General Fund to the Homeowner Property Tax Relief
3 Account established pursuant to Section 63-724, Idaho Code, on June 1, 2023,
4 or as soon thereafter as is practicable.

5 SECTION 10. SEVERABILITY. The provisions of this act are hereby de-
6 clared to be severable and if any provision of this act or the application
7 of such provision to any person or circumstance is declared invalid for any
8 reason, such declaration shall not affect the validity of the remaining por-
9 tions of this act.

10 SECTION 11. An emergency existing therefor, which emergency is hereby
11 declared to exist, Sections 1 through 3 and 5 through 10 of this act shall be
12 in full force and effect on and after passage and approval, and Section 4 of
13 this act shall be in full force and effect after passage and approval, and
14 retroactively to January 1, 2023."

15 CORRECTION TO TITLE

16 On page 1, delete lines 2 through 6, and insert:

17 "RELATING TO PROPERTY TAX RELIEF; PROVIDING LEGISLATIVE FINDINGS AND LEG-
18 ISLATIVE INTENT; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE AD-
19 DITION OF A NEW SECTION 33-911, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
20 GARDING THE SCHOOL DISTRICT FACILITIES FUND; AMENDING CHAPTER 8, TITLE
21 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-810, IDAHO CODE, TO
22 PROVIDE FOR THE TRANSFER OF CERTAIN EXCESS CASH BALANCE MONEYS FOR THE
23 PURPOSE OF PROPERTY TAX RELIEF; AMENDING SECTION 63-705, IDAHO CODE, TO
24 REVISE PROVISIONS REGARDING ELIGIBILITY FOR THE PROPERTY TAX REDUCTION
25 PROGRAM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE
26 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-724, IDAHO CODE, TO
27 ESTABLISH PROVISIONS REGARDING HOMEOWNER PROPERTY TAX RELIEF; AMENDING
28 SECTION 63-902, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PROPERTY TAX
29 NOTICES; AMENDING SECTION 63-3024B, IDAHO CODE, TO PROVIDE FOR TRANS-
30 FERS FROM THE IDAHO TAX REBATE FUND TO THE HOMEOWNER PROPERTY TAX RE-
31 LIEF ACCOUNT AND THE SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION
32 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION
33 OF SALES TAX REVENUES; APPROPRIATING MONEYS AND PROVIDING FOR A ONETIME
34 CASH TRANSFER FROM THE GENERAL FUND TO THE HOMEOWNER PROPERTY TAX RELIEF
35 ACCOUNT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PRO-
36 VIDING RETROACTIVE APPLICATION."