

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 388

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; ACKNOWLEDGING THE ONETIME NATURE OF FEDERAL RELIEF FUNDS; AMENDING SECTION 33-907, IDAHO CODE, TO PROHIBIT WITHDRAWALS FROM THE PUBLIC EDUCATION STABILIZATION FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs \$454,031,900 from the American Rescue Plan Fund to be expended for the period July 1, 2021, through June 30, 2022.

SECTION 2. ONETIME FEDERAL RELIEF FUNDS. All moneys appropriated in Section 1 of this act are for the onetime purpose of enhancements to existing programs or onetime federal relief due to the COVID-19 pandemic. Appropriating these funds does not obligate the state for future state-funded support for these purposes, and each local education agency that receives these funds shall acknowledge the onetime nature of this funding and expend these funds accordingly.

SECTION 3. That Section 33-907, Idaho Code, be, and the same is hereby amended to read as follows:

33-907. PUBLIC EDUCATION STABILIZATION FUND. (1) There is hereby created in the state treasury a fund to be known as the public education stabilization fund, which shall function as a fund detail of the public school income fund. The fund shall consist of moneys transferred to the fund according to the provisions of sections 33-905, 33-1018 and 33-1018C, Idaho Code, and any other moneys made available through legislative transfers or appropriations. Moneys in the fund are hereby continuously appropriated for the purposes stated in sections 33-1018 and 33-1018B, Idaho Code, and shall only be expended for the purposes stated in sections 33-1018, 33-1018A and 33-1018B, Idaho Code. Any accumulated balances in the fund that are in excess of eight and one-third percent (8.334%) of the current fiscal year's total appropriation of state funds for public school support shall be transferred to the bond levy equalization fund. Interest earned from the investment of moneys in the fund shall be retained in the fund.

(2) For the period July 1, 2021, through June 30, 2023, no moneys from the public education stabilization fund shall be withdrawn for any purpose,

1 including those in sections 33-1018, 33-1018A, and 33-1018B, Idaho Code, and
2 any other law or rule to the contrary, for encumbered obligations and un-
3 encumbered expenditures associated with state funds appropriated for fis-
4 cal year 2022. The state department of education shall prorate any negative
5 variance pursuant to section 33-1018, Idaho Code, by a formula prescribed by
6 the state department of education.

7 SECTION 4. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after
9 July 1, 2021.