

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 509

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO TAXATION; AMENDING SECTION 63-3024A, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING FOOD TAX CREDITS AND REFUNDS; AMENDING SECTION
3 57-811, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAX RELIEF FUND;
4 AND DECLARING AN EMERGENCY.
5

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

7 SECTION 1. That Section 63-3024A, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 63-3024A. FOOD TAX CREDITS AND REFUNDS. (1) Any resident individual
10 who is required to file and who has filed an Idaho income tax return shall
11 be allowed a credit against taxes due under the Idaho income tax act for the
12 taxpayer, the taxpayer's spouse, and each dependent, as defined in section
13 152 of the Internal Revenue Code, claimed on the taxpayer's Idaho income tax
14 return, and awarded by the court under section 32-706, Idaho Code, if appli-
15 cable. For tax years ~~2015 and after 2022~~, the credit is one hundred dollars
16 (\$100). For tax years 2023 and after, the credit is one hundred twenty dol-
17 lars (\$120). If taxes due are less than the total credit allowed, the tax-
18 payer shall be paid a refund equal to the balance of the unused credit.

19 (2) A resident individual who is not required to file an Idaho income
20 tax return and for whom no credit or refund is allowed under any other subsec-
21 tion of this section shall, subject to the limitations of subsections (3),
22 (4), (5), (6), (7) and (8) of this section, be entitled to a refund in the
23 amount provided in subsection (1) of this section.

24 (3) A resident individual who has reached his sixty-fifth birthday be-
25 fore the end of his taxable year and who has claimed the credit available un-
26 der subsection (1) of this section, in addition to the amount of credit or
27 refund due under subsection (1) of this section, shall be entitled to twenty
28 dollars (\$20.00), which shall be claimed as a credit against any taxes due
29 under the Idaho income tax act. If taxes due are less than the total credit
30 allowed, the individual shall be paid a refund equal to the balance of the un-
31 used credit.

32 (4) Except as provided in subsection (9) of this section, a credit or
33 refund under this section is ~~only~~ available only if the individual for whom a
34 personal exemption is claimed is a resident of the state of Idaho.

35 (5) In no event shall more than one (1) taxpayer be allowed a credit or
36 refund for the same personal exemption, or under more than one (1) subsection
37 of this section.

38 (6) In the event that a credit or refund is attributable to any individ-
39 ual for whom assistance under the federal food stamp program was received for
40 any month or part of a month during the taxable year for which the credit or
41 refund is claimed, the credit or refund allowed under this section shall be

1 in proportion to the number of months of the year in which no assistance was
2 received.

3 (7) In the event that a credit or refund is attributable to any individ-
4 ual who has been incarcerated for any month or part of a month during the tax-
5 able year for which the credit or refund is claimed, the credit or refund al-
6 lowed under this section shall be in proportion to the number of months of the
7 year in which the individual was not incarcerated.

8 (8) No credit or refund shall be paid that is attributable to an indi-
9 vidual residing illegally in the United States.

10 (9) Any part-year resident entitled to a credit under this section
11 shall receive a proportionate credit reflecting the part of the year in which
12 he was domiciled in this state.

13 (10) Any refund shall be paid to such individual only upon his making
14 application therefor, at such time and in such manner as may be prescribed
15 by the state tax commission. The state tax commission shall prescribe the
16 method by which the refund is to be made to the taxpayer. The refunds autho-
17 rized by this section shall be paid from the state refund fund in the same
18 manner as the refunds authorized by section 63-3067, Idaho Code.

19 (11) An application for any refund that is due and payable under the pro-
20 visions of this section must be filed with the state tax commission within
21 three (3) years of:

22 (a) The due date, including extensions, of the return required under
23 section 63-3030, Idaho Code, if the applicant is required to file a re-
24 turn; or

25 (b) The fifteenth day of April of the year following the year to which
26 the application relates if the applicant is not required to file a re-
27 turn.

28 (12) The state tax commission shall provide income tax payers with the
29 irrevocable option of donating credited funds accruing pursuant to this sec-
30 tion. Any funds so donated shall be remitted from the refund fund to the co-
31 operative welfare fund, created pursuant to section 56-401, Idaho Code, and
32 shall be used solely for the purpose of providing low-income Idahoans with
33 assistance in paying home energy costs.

34 SECTION 2. That Section 57-811, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 57-811. TAX RELIEF FUND. (1) There is hereby created in the state trea-
37 sury the tax relief fund to which shall be credited all moneys remitted from
38 sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations,
39 or any other source. Moneys in the fund are intended to fund future tax re-
40 lief statutes enacted by the legislature and may be expended pursuant to ap-
41 propriation. All interest earned on the investment of idle moneys in the
42 fund shall be returned to the fund.

43 (2) On July 15, 2021, the state controller shall transfer one hundred
44 eighty million dollars (\$180,000,000) from the tax relief fund to the 2021
45 Idaho tax rebate fund.

46 (3) For fiscal year 2022 and each fiscal year thereafter, the state con-
47 troller shall transfer one hundred ten million dollars (\$110,000,000) from
48 the tax relief fund to the general fund.

1 (4) In addition to any other transfers authorized under this section,
2 for fiscal year 2024 and each fiscal year thereafter, the state controller
3 shall transfer up to thirty-two million dollars (\$32,000,000) from the tax
4 relief fund to the general fund.

5 SECTION 3. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after its
7 passage and approval.