

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 735

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO COUNTY INDIGENT SERVICES AND FINANCES; PROVIDING LEGISLATIVE
2 INTENT; AMENDING SECTION 63-3620F, IDAHO CODE, TO REVISE PROVISIONS
3 REGARDING THE DISTRIBUTION OF CERTAIN ONLINE SALES AND USE TAX REVENUE;
4 AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARD-
5 ING THE DISTRIBUTION OF SALES AND USE TAX REVENUE; REPEALING SECTION
6 31-863, IDAHO CODE, RELATING TO THE LEVY FOR CHARITIES FUND; AMENDING
7 SECTION 31-3401, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS
8 AND DUTIES OF COUNTY COMMISSIONERS WITH RESPECT TO NONMEDICAL ASSIS-
9 TANCE FOR INDIGENT PERSONS; REPEALING SECTION 31-3501, IDAHO CODE,
10 RELATING TO A DECLARATION OF POLICY; REPEALING SECTION 31-3502, IDAHO
11 CODE, RELATING TO DEFINITIONS; AMENDING SECTION 31-3503, IDAHO CODE, TO
12 REMOVE PROVISIONS REGARDING POWERS AND DUTIES OF COUNTY COMMISSIONERS
13 AND TO REDESIGNATE THE SECTION; REPEALING SECTIONS 31-3503A, 31-3503B,
14 31-3503C, 31-3503D, 31-3503E, 31-3503F, 31-3504, 31-3505, 31-3505A,
15 31-3505B, 31-3505C, 31-3505D, 31-3505E, 31-3505F, AND 31-3505G, IDAHO
16 CODE, RELATING TO COUNTY HOSPITALS FOR THE INDIGENT SICK; AMENDING SEC-
17 TION 31-3505H, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY
18 FOR FINANCIAL ASSISTANCE AND TO REDESIGNATE THE SECTION; REPEALING SEC-
19 TIONS 31-3506, 31-3507, 31-3508, 31-3508A, 31-3509, AND 31-3510, IDAHO
20 CODE, RELATING TO COUNTY HOSPITALS FOR THE INDIGENT SICK; AMENDING SEC-
21 TION 31-3510A, IDAHO CODE, TO REVISE PROVISIONS REGARDING REIMBURSE-
22 MENT AND TO REDESIGNATE THE SECTION; REPEALING SECTION 31-3511, IDAHO
23 CODE, RELATING TO VIOLATIONS AND PENALTIES; AMENDING SECTION 31-3512,
24 IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3513, IDAHO
25 CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3514, IDAHO CODE,
26 TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3515, IDAHO CODE, TO
27 REDESIGNATE THE SECTION; AMENDING SECTION 31-3515A, IDAHO CODE, TO
28 REDESIGNATE THE SECTION; AMENDING SECTION 31-3516, IDAHO CODE, TO RE-
29 DESIGNATE THE SECTION; REPEALING SECTIONS 31-3517, 31-3518, 31-3519,
30 31-3520, AND 31-3521, IDAHO CODE, RELATING TO THE CATASTROPHIC HEALTH
31 CARE COST PROGRAM; REPEALING SECTIONS 31-3550, 31-3551, 31-3552,
32 31-3553, 31-3554, 31-3555, 31-3556, AND 31-3557, IDAHO CODE, RELAT-
33 ING TO THE ADVISORY PANEL FOR PRELITIGATION CONSIDERATION OF INDIGENT
34 RESOURCE ELIGIBILITY CLAIMS; AMENDING SECTION 63-802, IDAHO CODE,
35 TO REVISE PROVISIONS REGARDING TAXING DISTRICT BUDGET LIMITATIONS;
36 AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW
37 SECTION 19-847, IDAHO CODE, TO PROVIDE FOR THE RESPONSIBILITY FOR IN-
38 DIGENT PUBLIC DEFENSE; AMENDING SECTION 19-858, IDAHO CODE, TO REVISE
39 PROVISIONS REGARDING REIMBURSEMENT FOR LEGAL ASSISTANCE; AMENDING SEC-
40 TION 19-863A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CAPITAL
41 CRIMES DEFENSE FUND; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE
42 ADDITION OF A NEW SECTION 57-827, IDAHO CODE, TO ESTABLISH THE STATE
43 PUBLIC DEFENSE FUND; AMENDING SECTION 31-3607, IDAHO CODE, TO REMOVE A
44 CODE REFERENCE; AMENDING SECTION 39-424A, IDAHO CODE, TO REMOVE A CODE
45

1 REFERENCE; AMENDING SECTION 67-7903, IDAHO CODE, TO REMOVE A CODE REF-
 2 REFERENCE AND TO PROVIDE CERTAIN EXCEPTIONS; AND DECLARING AN EMERGENCY
 3 AND PROVIDING EFFECTIVE DATES.

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

5 SECTION 1. LEGISLATIVE INTENT. The Legislature finds that an important
 6 objective of this act is to provide property tax relief to Idahoans by re-
 7 pealing certain county levies and replacing the amount that counties would
 8 have levied for two years with state funds. Additionally, this act estab-
 9 lishes a dedicated funding source for the provision of public defense in this
 10 state and, on and after October 1, 2024, relieves counties of the statutory
 11 responsibility to fund and operate indigent public defense. Consequently,
 12 this act creates a window of opportunity to determine a new model by which
 13 the State of Idaho will fulfill its constitutional obligation to provide ad-
 14 equate indigent public defense after that date. Therefore, it is the intent
 15 of the Legislature that, before the adjournment sine die of the next regular
 16 session of the Idaho Legislature, a state indigent public defense system be
 17 enacted using the dedicated fund created in this act. Further, it is the in-
 18 tent of the Legislature that, before the sunset of the three percent escala-
 19 tor after fiscal year 2030, as provided in Section 3 of this act, the Legis-
 20 lature reassess the need for ongoing contributions from local government to
 21 indigent public defense, if any, in the form of an ongoing escalator.

22 SECTION 2. That Section 63-3620F, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 63-3620F. DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITA-
 25 TORS AND OUT-OF-STATE RETAILERS. (1) State sales and use taxes collected
 26 by retailers without a physical presence in Idaho, as described in section
 27 63-3611(3)(h), Idaho Code, and state sales and use taxes collected on trans-
 28 actions facilitated for third-party sellers by marketplace facilitators, as
 29 described in section 63-3605E, Idaho Code, shall be distributed as provided
 30 in this section.

31 (2) From June 1, 2019, through June 30, 2024, all state sales and use
 32 taxes described in subsection (1) of this section shall be distributed by the
 33 state tax commission as follows:

34 (a) An amount of money shall be distributed to the state refund account
 35 sufficient to pay current refund claims under this section. All refunds
 36 authorized for payment by the state tax commission shall be paid through
 37 the state refund account and those moneys are continuously appropri-
 38 ated; and

39 (b) All remaining funds received pursuant to this section shall be
 40 distributed to the tax relief fund established in section 57-811, Idaho
 41 Code.

42 (3) On and after July 1, 2024, all state sales and use taxes described in
 43 subsection (1) of this section shall be distributed by the state tax commis-
 44 sion as follows:

45 ~~(a) An amount of money shall be distributed to the state refund account~~
 46 ~~sufficient to pay current refund claims under this section. All refunds~~
 47 ~~authorized for payment by the state tax commission shall be paid through~~

1 ~~the state refund account, and those moneys are continuously appropri-~~
 2 ~~ated; and~~

3 ~~(b) The remaining funds shall be distributed through the distribu-~~
 4 ~~tion formula set forth for other sales and use tax revenue in section~~
 5 ~~63-3638, Idaho Code, except that the remainder after distribution shall~~
 6 ~~not be paid to the general fund pursuant to section 63-3638(15), Idaho~~
 7 ~~Code, but shall instead be paid to the tax relief fund established in~~
 8 ~~section 57-811, Idaho Code.~~

9 (4) Marketplace facilitators must obtain a separate seller's permit
 10 and collect and remit under that separate permit for state sales and use
 11 taxes collected on transactions facilitated for third-party sellers.

12 SECTION 3. That Section 63-3638, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

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

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

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

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

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

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

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

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

47 (8) For fiscal year 2011 and each fiscal year thereafter, four million
 48 one hundred thousand dollars (\$4,100,000), of which two million two hundred
 49 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four

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

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

27 (10) Eleven and five-tenths percent (11.5%) is continuously appro-
 28 priated and shall be distributed to the revenue-sharing account, which is
 29 hereby created in the state treasury, ~~and the~~. Beginning in fiscal year
 30 2025, nine million dollars (\$9,000,000) shall be transferred from the rev-
 31 enue-sharing account each quarter to the state public defense fund created
 32 in section 57-827, Idaho Code. Growth percentage in the revenue-sharing
 33 account shall be recalculated each quarter beginning in fiscal year 2026
 34 and in each fiscal year thereafter through fiscal year 2030. If the growth
 35 is positive in the revenue-sharing account and is calculated over the same
 36 period from the previous fiscal year, a proportional increase in the initial
 37 transfer amount of up to three percent (3%) annually shall be transferred
 38 to the state public defense fund. After fiscal year 2030, an amount equal
 39 to one-fourth (1/4) of the total amount transferred from the revenue-shar-
 40 ing account to the state public defense fund in fiscal year 2030 shall be
 41 transferred quarterly from the revenue-sharing account to the state public
 42 defense fund. The remaining moneys in the revenue-sharing account will be
 43 paid in installments each calendar quarter by the state tax commission ~~on~~ and
 44 after July 1, 2020, as follows:

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

47 (i) The revenue-sharing amount calculated by the state tax com-
 48 mission for the various cities for each quarter of fiscal year 2020
 49 shall be the base amount for current quarterly revenue distribu-
 50 tion amounts. The state tax commission shall calculate the per

1 capita distribution for each city resulting from the previous fis-
2 cal year's distributions.

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

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

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

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

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

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

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

43 1. One million three hundred twenty thousand dollars
44 (\$1,320,000) annually shall be distributed one forty-fourth
45 (1/44) to each of the various counties; and

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

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

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

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

13 3. If the dollar amount of money available under this sub-
 14 section (10) (b) (ii) in any quarter exceeds the amount paid
 15 in the fourth quarter of calendar year 1999, each county
 16 shall be entitled to a proportionately increased payment,
 17 but such increase shall not exceed one hundred five percent
 18 (105%) of the total payment made in the fourth quarter of
 19 calendar year 1999.

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

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

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

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

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

1 portion attributable to the special purpose taxing district from
2 each county in which it is situated.

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

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

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

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

19 (11) Amounts calculated in accordance with section 2, chapter 356, laws
20 of 2001, for annual distribution to counties and other taxing districts be-
21 ginning in October 2001 for replacement of property tax on farm machinery and
22 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool
23 districts, the state tax commission shall distribute one-fourth (1/4) of
24 this amount certified quarterly to each county. For school districts, the
25 state tax commission shall distribute one-fourth (1/4) of the amount certi-
26 fied quarterly to each school district. For nonschool districts, the county
27 auditor shall distribute to each district within thirty (30) calendar days
28 from receipt of moneys from the state tax commission. Moneys received by
29 each taxing district for replacement shall be utilized in the same manner
30 and in the same proportions as revenues from property taxation. The moneys
31 remitted to the county treasurer for replacement of property exempt from
32 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the
33 counties and other taxing districts and budgeted at the same time, in the
34 same manner and in the same year as revenues from taxation on personal prop-
35 erty which these moneys replace. If taxing districts are consolidated, the
36 resulting district is entitled to an amount equal to the sum of the amounts
37 received in the last calendar quarter by each district pursuant to this
38 subsection prior to the consolidation. If a taxing district is dissolved
39 or disincorporated, the state tax commission shall continuously distribute
40 to the board of county commissioners an amount equal to the last quarter's
41 distribution prior to dissolution or disincorporation. The board of county
42 commissioners shall determine any redistribution of moneys so received. If
43 a taxing district annexes territory, the distribution of moneys received
44 pursuant to this subsection shall be unaffected. Taxing districts formed
45 after January 1, 2001, are not entitled to a payment under the provisions
46 of this subsection. School districts shall receive an amount determined by
47 multiplying the sum of the year 2000 school district levy minus .004 times
48 the market value on December 31, 2000, in the district of the property exempt
49 from taxation pursuant to section 63-602EE, Idaho Code, provided that the
50 result of these calculations shall not be less than zero (0). The result of

1 these school district calculations shall be further increased by six per-
2 cent (6%). For purposes of the limitation provided by section 63-802, Idaho
3 Code, moneys received pursuant to this section as property tax replacement
4 for property exempt from taxation pursuant to section 63-602EE, Idaho Code,
5 shall be treated as property tax revenues.

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

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

25 ~~(14) Amounts collected from purchasers and paid to the state of Idaho~~
26 ~~by retailers that are not engaged in business in this state and which re-~~
27 ~~tailer would not have been required to collect the sales tax, less amounts~~
28 ~~otherwise distributed in subsections (1) and (10) of this section, shall be~~
29 ~~distributed to the tax relief fund created in section 57-811, Idaho Code.~~
30 ~~The state tax commission will determine the amounts to be distributed under~~
31 ~~this subsection. For fiscal years 2023 and 2024 only, a sum of twenty mil-~~
32 ~~lion nine hundred sixty thousand six hundred nineteen dollars (\$20,960,619)~~
33 ~~shall be distributed each year by the state tax commission, apportioned to~~
34 ~~each county in an amount equivalent to each county's 2021 charity and in-~~
35 ~~digent fund levy as certified with the state tax commission, to replace the~~
36 ~~revenue lost from the elimination of the charity and indigent fund levy.~~

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

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

44 (b) Any portion of the four and five-tenths percent (4.5%) provided for
45 in paragraph (a) of this subsection that exceeds eighty million dollars
46 (\$80,000,000) is continuously appropriated and shall be apportioned
47 to local units of government for local highway projects in the same
48 percentages provided for in section 40-709(1) through (3), Idaho Code.
49 Local units of government may pool funds allocated to them pursuant to
50 this paragraph for local highway projects.

1 (c) The distribution provided for in this subsection must immediately
 2 follow the distribution provided for in subsection (10) of this sec-
 3 tion.

4 SECTION 4. That Section [31-863](#), Idaho Code, be, and the same is hereby
 5 repealed.

6 SECTION 5. That Section 31-3401, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The
 9 boards of county commissioners in their respective counties shall, under
 10 such limitations and restrictions as are prescribed by law, evaluate the
 11 need and provide to indigent person-(s) nonmedical assistance in a temporary
 12 situation only when no alternatives exist. Nothing in this chapter shall
 13 imply county assistance is to be provided on a continuing basis. Boards of
 14 county commissioners, by resolution, shall promulgate policies and proce-
 15 dures, may negotiate payment to providers, and may contract for nonmedical
 16 services, pursuant to this chapter. ~~For the purpose of funding Boards of~~
 17 ~~county commissioners may fund nonmedical services for indigent persons,~~
 18 ~~boards of county commissioners are authorized to levy an ad valorem tax from~~
 19 ~~the county current expense fund pursuant to section 31-3503 63-805,~~ Idaho
 20 Code.

21 SECTION 6. That Section [31-3501](#), Idaho Code, be, and the same is hereby
 22 repealed.

23 SECTION 7. That Section [31-3502](#), Idaho Code, be, and the same is hereby
 24 repealed.

25 SECTION 8. That Section 31-3503, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 31-35031. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county com-
 28 missioners in their respective counties shall, under such limitations and
 29 restrictions as are prescribed by law, ~~;~~

30 ~~(1) Pay for necessary medical services for the medically indigent res-~~
 31 ~~idents of their counties as provided in this chapter and as approved by the~~
 32 ~~county commissioners at the reimbursement rate up to the total sum of eleven~~
 33 ~~thousand dollars (\$11,000) in the aggregate per resident in any consecutive~~
 34 ~~twelve (12) month period or contract for the provision of necessary medical~~
 35 ~~services pursuant to sections 31-3520 and 31-3521, Idaho Code.~~

36 ~~(2) Have the right to contract with providers, transfer patients, ne-~~
 37 ~~gotiate provider agreements, conduct utilization management or any portion~~
 38 ~~thereof, pay for authorized expenses directly, or indirectly through the~~
 39 ~~use of alternative programs, that would assist in managing costs of provid-~~
 40 ~~ing health care for indigent persons, and all other powers incident to the~~
 41 ~~county's duties created by this chapter.~~

42 ~~(3) Cooperate with the department, the board and contractors retained~~
 43 ~~by the department or the board to provide services including, but not limited~~

1 ~~to, medicaid eligibility review and utilization management on behalf of the~~
2 ~~counties and the board.~~

3 (4) ~~H~~have the jurisdiction and power to provide county hospitals and
4 public general hospitals for the county and others who are sick, injured,
5 maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise
6 acquire, and to officer, maintain and improve hospitals, hospital grounds,
7 nurses' homes, shelter care facilities and residential or assisted living
8 facilities as defined in section 39-3301, Idaho Code, superintendent's
9 quarters, medical clinics, as that term is defined in section 39-1319, Idaho
10 Code, medical clinic grounds or any other necessary buildings, and to equip
11 the same, and to replace equipment, and for this purpose said commissioners
12 may levy an additional tax of not to exceed six hundredths percent (.06%) of
13 the market value for assessment purposes on all taxable property within the
14 county. The term "public general hospitals" as used in this subsection shall
15 be construed to include nursing homes.

16 SECTION 9. That Section [31-3503A](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 10. That Section [31-3503B](#), Idaho Code, be, and the same is
19 hereby repealed.

20 SECTION 11. That Section [31-3503C](#), Idaho Code, be, and the same is
21 hereby repealed.

22 SECTION 12. That Section [31-3503D](#), Idaho Code, be, and the same is
23 hereby repealed.

24 SECTION 13. That Section [31-3503E](#), Idaho Code, be, and the same is
25 hereby repealed.

26 SECTION 14. That Section [31-3503F](#), Idaho Code, be, and the same is
27 hereby repealed.

28 SECTION 15. That Section [31-3504](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 16. That Section [31-3505](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 17. That Section [31-3505A](#), Idaho Code, be, and the same is
33 hereby repealed.

34 SECTION 18. That Section [31-3505B](#), Idaho Code, be, and the same is
35 hereby repealed.

36 SECTION 19. That Section [31-3505C](#), Idaho Code, be, and the same is
37 hereby repealed.

38 SECTION 20. That Section [31-3505D](#), Idaho Code, be, and the same is
39 hereby repealed.

1 SECTION 21. That Section [31-3505E](#), Idaho Code, be, and the same is
2 hereby repealed.

3 SECTION 22. That Section [31-3505F](#), Idaho Code, be, and the same is
4 hereby repealed.

5 SECTION 23. That Section [31-3505G](#), Idaho Code, be, and the same is
6 hereby repealed.

7 SECTION 24. That Section 31-3505H, Idaho Code, be, and the same is
8 hereby amended to read as follows:

9 ~~31-3505H2~~. ELIGIBILITY FOR FINANCIAL ASSISTANCE. (1) Notwithstanding
10 any provision of law or rule to the contrary, no person eligible for medicaid
11 pursuant to section 56-254 or 56-267, Idaho Code, shall be eligible for fi-
12 nancial assistance pursuant to this chapter as it existed on January 1, 2022.

13 (2) Notwithstanding any provision of law or rule to the contrary, no
14 person eligible for health insurance shall be eligible for financial assis-
15 tance pursuant to this chapter as it existed on January 1, 2022.

16 (3) Notwithstanding any provision of law or rule to the contrary, no
17 person in a commitment proceeding pursuant to chapter 3, title 66, Idaho
18 Code, who is eligible for medicaid or eligible for health insurance shall be
19 eligible for financial assistance pursuant to this chapter as it existed on
20 January 1, 2022.

21 (4) It is the intent of the legislature that moneys saved by counties
22 pursuant to this section may be used for additional county aid to public
23 health districts as required by section 39-424A, Idaho Code.

24 SECTION 25. That Section [31-3506](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 26. That Section [31-3507](#), Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 27. That Section [31-3508](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 28. That Section [31-3508A](#), Idaho Code, be, and the same is
31 hereby repealed.

32 SECTION 29. That Section [31-3509](#), Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 30. That Section [31-3510](#), Idaho Code, be, and the same is hereby
35 repealed.

36 SECTION 31. That Section 31-3510A, Idaho Code, be, and the same is
37 hereby amended to read as follows:

38 ~~31-3510A03~~. REIMBURSEMENT. (1) Receipt of financial assistance
39 pursuant to this chapter prior to March 31, 2022, shall obligate an applicant
40 to reimburse the obligated county and the ~~board~~ state for such reasonable

1 portion of the financial assistance paid on behalf of the applicant as the
2 county commissioners may determine that the applicant is able to pay from
3 resources over a reasonable period of time. Cash amounts received shall be
4 prorated between the county and the ~~board~~ state in proportion to the amount
5 each has paid. Moneys disbursed to the state shall be deposited into the
6 state general fund.

7 (2) A final determination shall not relieve the applicant's duty to
8 make additional reimbursement from resources if the county commissioners
9 subsequently find within a reasonable period of time that there has been a
10 substantial change in circumstances such that the applicant is able to pay
11 additional amounts up to the total claim paid on behalf of the applicant.

12 (3) A final determination shall not prohibit the county commissioners
13 from reviewing a petition from an applicant to reduce an order of reimburse-
14 ment based on a substantial change in circumstances.

15 (4) The automatic lien created pursuant to the chapter may be filed and
16 recorded in any county of this state wherein the applicant has resources and
17 may be liquidated or unliquidated in amount. Nothing herein shall prohibit
18 an applicant from executing a consensual lien in addition to the automatic
19 lien created by filing an application pursuant to this chapter. In the event
20 that resources can be located in another state, the clerk may file the lien
21 with the district court and provide notice to the recipient. The recipient
22 shall have twenty (20) days to object, following which the district court
23 shall enter judgment against the recipient. The judgment entered may there-
24 after be filed as provided for the filing of a foreign judgment in that juris-
25 diction.

26 (5) The county shall have the same right of recovery as provided to the
27 state of Idaho pursuant to sections 56-218 and 56-218A, Idaho Code.

28 (6) The county commissioners may require the employment of such of the
29 medically indigent as are capable and able to work and whose attending physi-
30 cian certifies they are capable of working.

31 (7) That portion of the moneys received by a county as reimbursement
32 that are not assigned to the catastrophic health care cost program shall be
33 credited to the respective county medically indigent fund.

34 (8) If, after a hearing, the final determination of the county commis-
35 sioners is to require a reimbursement amount or rate the applicant believes
36 excessive, the applicant may seek judicial review of the final determination
37 of the county commissioners in the manner provided in section 31-1506, Idaho
38 Code.

39 SECTION 32. That Section [31-3511](#), Idaho Code, be, and the same is hereby
40 repealed.

41 SECTION 33. That Section 31-3512, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 ~~31-351204~~. JOINT COUNTY HOSPITALS. Recognizing the need of hospitals
44 for the public welfare and the burden for one (1) county to finance the cost
45 of such construction, operation and maintenance thereof within its own
46 boundaries under certain circumstances, the county commissioners in their
47 respective counties shall have the power to jointly and severally enter
48 into contracts or agreements with one (1) or more adjoining counties to con-

1 struct, operate and maintain joint county hospitals, either within or with-
2 out the boundaries of such counties, upon a finding of each such county com-
3 missioners that there is a public necessity requiring the financing of such
4 hospital facilities jointly with one (1) or more adjoining counties. The
5 county commissioners shall have the same powers to operate, finance and bond
6 for such joint county hospitals as they would have for a county hospital.

7 SECTION 34. That Section 31-3513, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 31-351305. ELECTION FOR ISSUANCE OF BONDS. The county commission-
10 ers may, when they deem the welfare of their counties require it, or when
11 petitioned thereto by a number of resident taxpayers of their respective
12 counties equal to five percent (5%) of the number of persons voting for the
13 secretary of state of the state of Idaho, at the election next preceding
14 the date of such petition, submit to the qualified electors of said county
15 at any election held as provided in section 34-106, Idaho Code, the propo-
16 sition whether negotiable coupon bonds of the county to the amount stated
17 in such proposition shall be issued and sold for the purpose of providing
18 such hospital, hospital grounds, nurses' homes, nursing homes, residential
19 or assisted living facilities, shelter care facilities, medical clinics,
20 superintendent's quarters, or any other necessary buildings, and equip-
21 ment, and may on their own initiative submit to the qualified electors
22 of the county at any general election the proposition whether negotiable
23 coupon bonds of the county to the amount stated in such proposition shall
24 be issued and sold for the purpose of providing for the extension and en-
25 largement of existing hospital, hospital grounds, nurses' homes, nursing
26 homes, residential or assisted living facilities, shelter care facilities,
27 medical clinics or grounds, superintendent's quarters, or any other neces-
28 sary buildings, and equipment, and when authorized thereto by two-thirds
29 (2/3) vote at such election, shall issue and sell such coupon bonds and use
30 the proceeds therefrom for the purposes authorized by such election. Said
31 proposition may be submitted to the qualified electors at an election held
32 subject to the provisions of section 34-106, Idaho Code, if the county com-
33 missioners shall by resolution so determine. No person shall be qualified
34 to vote at any election held under the provisions of this section unless he
35 shall possess all the qualifications required of electors under the general
36 laws of this state.

37 The county commissioners shall be governed in calling and holding such
38 election and in the issuance and sale of such bonds, and in the providing
39 for the payment of the principal and interest thereon by the provisions of
40 chapter 19, title 31, Idaho Code, and by the provisions of chapter 2, title
41 57, Idaho Code; provided, however, that when such bonds have been issued and
42 sold and a period of two (2) years or more has elapsed from the date of sale
43 of said bonds and for any reason the proceeds from the sale of said bonds or
44 other moneys appropriated for the purpose for which said bonds were issued,
45 have not been used for the purpose for which they were appropriated or said
46 bond issue made, the county commissioners may, with the written consent of
47 all of the bondholders first having been obtained, submit to the qualified
48 electors, as herein defined, the question of spending such moneys for a defi-
49 nite purpose. The purpose for which it is decided to spend such moneys shall

1 be clearly and plainly stated on the ballot. If a majority of the qualified
2 electors shall vote in favor of spending such moneys for the purpose stated,
3 the county commissioners shall proceed in the same manner as if such differ-
4 ent purpose had been the original purpose for such bond issue or appropria-
5 tion. Provided, further that if less than a majority of the qualified elec-
6 tors shall vote in favor of spending such moneys for such different purpose,
7 or if no such election should be had, when all of the bonds shall have been re-
8 tired, such excess moneys shall be placed in the general fund.

9 SECTION 35. That Section 31-3514, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 31-351406. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facili-
12 ties as referred to in section 31-3503-~~(2)~~, Idaho Code, may suitably provide
13 for and accept other patients and must charge and accept payments from such
14 other patients as are able to make payments for services rendered and care
15 given. The county commissioners may make suitable rules and regulations for
16 the management and operation of such property by a suitable board of control,
17 or otherwise, or for carrying out such hospital uses and purposes under a
18 lease of the same.

19 The boards or officers or lessees of such hospital property shall render
20 accounts and reports to the county commissioners as may be required by the
21 county commissioners; and shall render accounts and deliver over any and all
22 moneys received by them for the county to the county treasurer to be credited
23 to the operation expense of hospitals and indigent sick and otherwise depen-
24 dent poor of the county in such manner as provided by law for the handling of
25 funds of this kind.

26 Said board of control may permit persons from out of the county where
27 such hospital is located to be admitted for hospitalization to such hospi-
28 tal. As to such cases special rates for the use and service of such hospi-
29 tal may be provided which rates shall apply equally to all such patients who
30 do not pay taxes within the county where such hospital is located. The pur-
31 pose of providing such special rates shall be to compel persons living out of
32 the county where such hospital is located, and who receive hospitalization
33 in such hospital, to bear a just burden of the cost of construction and main-
34 tenance of such hospital.

35 SECTION 36. That Section 31-3515, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 31-351507. LEASE OR SALE. Such counties acting through their county
38 commissioners shall have the right to lease such hospitals upon such terms
39 and for such a length of time as they may decide, or to sell the same; pro-
40 vided, however, that no such lease or sale, except those leases entered into
41 between such counties and the Idaho health facilities authority as provided
42 in section 31-836, Idaho Code, shall be final or valid unless and until it
43 has been approved by a majority of the qualified electors of said county vot-
44 ing on such question at an election held subject to the provisions of section
45 34-106, Idaho Code; except if a hospital district has been created under the
46 provisions of chapter 13, title 39, Idaho Code, county commissioners shall
47 have the right to lease, as provided in section 31-836, Idaho Code, such hos-

1 pitals within a created hospital district to the hospital district without
 2 submitting the question of lease or sale to the qualified electors of the
 3 county or the respective hospital district.

4 SECTION 37. That Section 31-3515A, Idaho Code, be, and the same is
 5 hereby amended to read as follows:

6 31-3515A08. CONVEYANCE, LEASE OF COUNTY HOSPITAL TO NONPROFIT COR-
 7 PORATION. (1) As an alternative to the procedure set forth in section
 8 31-351507, Idaho Code, counties acting through their respective county com-
 9 missioners may convey or lease county hospitals, and the equipment therein,
 10 subject to the following conditions:

11 (a) The entity to which the hospital is to be transferred shall be a non-
 12 profit corporation;

13 (b) No lease term shall exceed ninety-nine (99) years. This subsection
 14 supersedes that part of section 31-836, Idaho Code, which is inconsis-
 15 tent herewith;

16 (c) The governing body of the nonprofit corporation must be composed
 17 initially of the incumbent members of the board of hospital trustees, as
 18 individuals. The articles of incorporation must provide for a member-
 19 ship of the corporation which is:

20 (i) Broadly representative of the public and includes residents
 21 of each incorporated city in the county and of the unincorporated
 22 area of the county; or

23 (ii) A single nonprofit corporate member having articles of
 24 incorporation which provide for a membership of that corpora-
 25 tion which is broadly representative of the public and includes
 26 residents of each incorporated city in the county and of the unin-
 27 corporated area of the county.

28 The articles must further provide for the selection of the governing
 29 body by the membership of the corporation, or exclusively by a parent
 30 corporation which is the corporate member, with voting power, and not
 31 by the governing body itself, except to fill a vacancy for the unexpired
 32 term. The articles must further provide that no member of the governing
 33 body shall serve more than two (2) consecutive three (3) year terms.

34 (d) The nonprofit corporation must provide care for indigent patients,
 35 and receive any person falling sick or maimed within the county.

36 (e) The transfer agreement must provide for the transfer of patients,
 37 staff and employees, and for the continuing administration of any
 38 trusts or bequests or maintenance of records pertaining to the existing
 39 public hospital.

40 (f) The transfer or lease agreement shall provide for a transfer or
 41 lease price which shall be either of the following:

42 (i) The acceptance of all assets and assumption of all liabili-
 43 ties; or

44 (ii) Such other price as the commissioners and the nonprofit cor-
 45 poration may agree.

46 (2) If any hospital which has been conveyed pursuant to this section
 47 ceases to be used as a nonprofit hospital, unless the premises so conveyed
 48 are sold and the proceeds used to erect or enlarge another nonprofit hos-
 49 pital for the county, the hospital so conveyed reverts to the ownership of

1 the county. If any hospital which has been leased pursuant to this section
2 ceases to be used as a nonprofit hospital, the lease shall terminate.

3 (3) The provisions of section 31-808, Idaho Code, with respect to the
4 sale and disposition of real and personal property owned by the county, shall
5 not apply to transactions covered by section 31-351~~5~~07, Idaho Code, and this
6 section.

7 SECTION 38. That Section 31-3516, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 31-351~~6~~09. SEPARABILITY. If any provision of this chapter or the ap-
10 plication thereof to any person or circumstance is held invalid, such inva-
11 lidity shall not affect other provisions or applications of this chapter,
12 which can be given effect without the invalid provisions or applications,
13 and to this end the provisions of this chapter are declared to be severable.

14 SECTION 39. That Section [31-3517](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 40. That Section [31-3518](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 41. That Section [31-3519](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 42. That Section [31-3520](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 43. That Section [31-3521](#), Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 44. That Section [31-3550](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 45. That Section [31-3551](#), Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 46. That Section [31-3552](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 47. That Section [31-3553](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 48. That Section [31-3554](#), Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 49. That Section [31-3555](#), Idaho Code, be, and the same is hereby
35 repealed.

36 SECTION 50. That Section [31-3556](#), Idaho Code, be, and the same is hereby
37 repealed.

1 SECTION 51. That Section [31-3557](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 52. That Section 63-802, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES --
6 EXCEPTIONS. (1) Except as otherwise provided in this section, no taxing dis-
7 trict shall certify a budget request for an amount of property tax revenues
8 to finance an annual budget that exceeds the maximum sum permitted under this
9 section:

10 (a) (i) The highest dollar amount of property taxes certified for
11 its annual budget for any one (1) of the three (3) tax years preced-
12 ing the current tax year, which amount may be increased by a growth
13 factor of not to exceed three percent (3%) plus the amount of rev-
14 enue calculated as described in this subsection. The taxing dis-
15 trict shall determine what portion of the three percent (3%) in-
16 crease permitted under this subparagraph that it requires and then
17 calculate a preliminary levy rate based on the percent chosen. In
18 calculating the preliminary levy rate, the most current taxable
19 market value shall be used, except that for taxable market values
20 of centrally assessed operating property, the prior year's valua-
21 tion may be used instead of the current year's taxable market val-
22 ues. The preliminary levy rate shall be multiplied by the value
23 shown on the new construction roll compiled pursuant to section
24 63-301A, Idaho Code, and by ninety percent (90%) of the value of
25 annexation during the previous calendar year, as certified by the
26 state tax commission for taxable market values of operating prop-
27 erty of public utilities and by the county assessor; except for a
28 fire protection district annexing property prior to July 1, 2021,
29 pursuant to section 31-1429, Idaho Code, the new levy rate shall be
30 multiplied by one hundred percent (100%) of the value of any such
31 property annexed prior to July 1, 2021.

32 (ii) The total budget increase calculated under this paragraph
33 must not exceed eight percent (8%), except that any distribution
34 of funds to a taxing district as a result of the termination of a
35 revenue allocation area of an urban renewal district pursuant to
36 section 50-2909(4), Idaho Code, shall not be subject to such limi-
37 tation.

38 (iii) Following the first year in which a fire protection district
39 has annexed city property pursuant to section 31-1429, Idaho Code,
40 the city shall subtract an amount equal to the moneys spent on fire
41 protection services during the last full year the city provided
42 fire protection services to its residents from its budget limita-
43 tion under this section.

44 (b) If the taxing district has not imposed a levy for three (3) or more
45 years, the highest dollar amount of property taxes certified for its an-
46 nual budget for the purpose of paragraph (a) (i) of this subsection shall
47 be the dollar amount of property taxes certified for its annual budget
48 during the last year in which a levy was made.

1 (c) The dollar amount of the actual budget request may be substituted
2 for the amount in paragraph (a) of this subsection if the taxing dis-
3 trict is newly created, except as may be provided in paragraph (i) of
4 this subsection.

5 (d) This section does not apply to school district levies imposed in
6 section 33-802, Idaho Code.

7 (e) (i) In the case of a nonschool district for which less than the
8 maximum allowable increase in the dollar amount of property taxes
9 is certified for annual budget purposes in any one (1) year, such a
10 district may, in any following year, recover the forgone increase
11 by certifying, in addition to any increase otherwise allowed, any
12 or all of the increase originally forgone. Provided however, that
13 prior to budgeting any forgone increase, the district must provide
14 notice of its intent to do so, hold a public hearing, which may be
15 in conjunction with its annual budget hearing, and certify by res-
16 olution the amount of forgone increase to be budgeted and the spe-
17 cific purpose for which the forgone increase is being budgeted.
18 Upon adoption of the resolution, the clerk of the district shall
19 file a copy of the resolution with the county clerk and the state
20 tax commission. Said additional amount shall be included in fu-
21 ture calculations for increases as allowed, except as provided in
22 subparagraph (iii) of this paragraph.

23 (ii) If the forgone increase is budgeted for the purpose of main-
24 tenance and operations, the rate of recovering the reserved for-
25 gone moneys may increase the taxing district's budget by no more
26 than one percent (1%) per year. Provided, however, this cap shall
27 not apply to a taxing district that budgets its reserved forgone
28 moneys for the purpose of maintenance and operations as long as it
29 does not budget, or reserve as forgone, any portion of the three
30 percent (3%) increase otherwise allowed and does not budget any
31 new construction or annexation increases.

32 (iii) If the forgone increase is budgeted for a capital project or
33 projects, the rate of recovering the reserved forgone moneys may
34 not exceed three percent (3%) of the taxing district's budget for
35 the year in which the forgone increase is budgeted. Forgone moneys
36 budgeted for a capital project must be deducted from the taxing
37 district's forgone balance in the year in which it is budgeted.
38 Upon completion of such a capital project, the taxing district
39 shall certify such completion to the state tax commission and
40 county clerk. If, upon certification, the state tax commission
41 finds that the taxing district included forgone moneys for a capi-
42 tal project in calculating the increase permitted under paragraph
43 (a) of this subsection, the state tax commission shall direct the
44 taxing district to reduce its property tax budget for any year
45 in which the forgone moneys were used to calculate a budget in-
46 crease, in an amount equal to the forgone moneys budgeted plus any
47 increases attributed to the forgone moneys improperly included in
48 the taxing district's property tax budget. For the purpose of this
49 paragraph, a capital project includes:

- 1 1. The construction, expansion, renovation, or replacement
2 of public facilities, including the acquisition of land and
3 other site improvements;
- 4 2. The construction, expansion, or reconstruction of public
5 works improvements, including roads, bridges, water sys-
6 tems, sewer systems, and broadband systems; and
- 7 3. The purchase of equipment with a useful life of ten (10)
8 years or more.

9 (f) If a taxing district elects to budget less than the maximum allow-
10 able increase in the dollar amount of property taxes, the taxing dis-
11 trict may reserve the right to recover all or any portion of that year's
12 forgone increase in a subsequent year by adoption of a resolution spec-
13 ifying the dollar amount of property taxes being reserved. Otherwise,
14 that year's forgone increase may not be recovered under paragraph (e) of
15 this subsection. The district must provide notice of its intent to do
16 so and hold a public hearing, which may be in conjunction with its an-
17 nual budget hearing if applicable. The resolution to reserve the right
18 to recover the forgone increase for that year shall be adopted at the an-
19 nual budget hearing of the taxing district if the district has a budget
20 hearing requirement.

21 (g) In the case of cities, if the immediately preceding year's levy
22 subject to the limitation provided by this section is less than 0.004,
23 the city may increase its budget by an amount not to exceed the differ-
24 ence between 0.004 and actual prior year's levy multiplied by the prior
25 year's market value for assessment purposes. The additional amount
26 must be approved by sixty percent (60%) of the voters voting on the ques-
27 tion at an election called for that purpose and held on the date in May or
28 November provided by law and may be included in the annual budget of the
29 city for purposes of this section.

30 (h) A taxing district may submit to the electors within the district
31 the question of whether the budget from property tax revenues may be
32 increased beyond the amount authorized in this section, but not beyond
33 the levy authorized by statute. The additional amount must be approved
34 by sixty-six and two-thirds percent (66 2/3%) or more of the voters
35 voting on the question at an election called for that purpose and held
36 on the May or November dates provided by section 34-106, Idaho Code.
37 If approved by the required minimum sixty-six and two-thirds percent
38 (66 2/3%) of the voters voting at the election, the new budget amount
39 shall be the base budget for the purposes of this section.

40 (i) When a nonschool district consolidates with another nonschool
41 district or dissolves and a new district performing similar governmen-
42 tal functions as the dissolved district forms with the same boundaries
43 within three (3) years, the maximum amount of a budget of the district
44 from property tax revenues shall not be greater than the sum of the
45 amounts that would have been authorized by this section for the district
46 itself or for the districts that were consolidated or dissolved and in-
47 corporated into a new district.

48 (j) This section does not apply to cooperative service agency levies
49 imposed in sections 33-317 and 33-317A, Idaho Code.

1 (k) The amount of money received in the twelve (12) months immediately
2 preceding June 30 of the current tax year as a result of distributions of
3 the tax provided in section 63-3502B(2), Idaho Code.

4 (2) In the case of fire districts, during the year immediately follow-
5 ing the election of a public utility or public utilities to consent to be pro-
6 vided fire protection pursuant to section 31-1425, Idaho Code, the maximum
7 amount of property tax revenues permitted in subsection (1) of this section
8 may be increased by an amount equal to the current year's taxable value of the
9 consenting public utility or public utilities multiplied by that portion of
10 the prior year's levy subject to the limitation provided by subsection (1) of
11 this section.

12 (3) No board of county commissioners shall set a levy, nor shall the
13 state tax commission approve a levy for annual budget purposes, which ex-
14 ceeds the limitation imposed in subsection (1) of this section unless au-
15 thority to exceed such limitation has been approved by a majority of the tax-
16 ing district's electors voting on the question at an election called for that
17 purpose and held pursuant to section 34-106, Idaho Code, provided however,
18 that such voter approval shall be for a period of not to exceed two (2) years.

19 (4) The amount of property tax revenues to finance an annual budget does
20 not include revenues from nonproperty tax sources and does not include rev-
21 enue from levies for the payment of judicially confirmed obligations pur-
22 suant to sections 63-1315 and 63-1316, Idaho Code, and revenue from levies
23 that are voter-approved for bonds, override levies or supplemental levies,
24 plant facilities reserve fund levies, school emergency fund levies or for
25 levies applicable to newly annexed property or for levies applicable to new
26 construction as evidenced by the value of property subject to the occupancy
27 tax pursuant to section 63-317, Idaho Code, for the preceding tax year. The
28 amount of property tax revenues to finance an annual budget does not include
29 any property taxes that were collected and refunded on property that is ex-
30 empt from taxation, pursuant to section 63-1305C, Idaho Code.

31 (5) The amount of property tax revenues to finance an annual budget
32 shall include moneys received as recovery of property tax for a revoked pro-
33 visional property tax exemption under section 63-1305C, Idaho Code.

34 (6) For tax year 2023, before calculating the amount required in sub-
35 section (1) (a) (i) of this section, the board of county commissioners shall
36 reduce the approved property tax levy portion of its budget for the immediate
37 prior three (3) years in an amount equal to the amount levied for the chari-
38 ties fund authorized in section 31-863, Idaho Code.

39 SECTION 53. That Chapter 8, Title 19, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 19-847, Idaho Code, and to read as follows:

42 19-847. INDIGENT PUBLIC DEFENSE -- FINANCIAL OBLIGATIONS. Notwith-
43 standing any provision of law to the contrary, on and after October 1, 2024:

44 (1) All counties are released from any further financial obligation to
45 provide indigent public defense. On and after such date, the state assumes
46 the full financial obligation to provide indigent public defense pursuant to
47 the sixth amendment of the United States constitution and section 13, arti-
48 cle I of the constitution of the state of Idaho; and

1 (2) All administrative rules promulgated by the state public defense
2 commission shall be repealed in accordance with the provisions of chapter
3 52, title 67, Idaho Code.

4 SECTION 54. That Section 19-858, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 19-858. REIMBURSEMENT TO COUNTY -- WHEN AUTHORIZED. (1) The
7 ~~prosecuting attorney of each county~~ attorney general may, on behalf of the
8 ~~county state~~, recover payment or reimbursement, as the case may be, from each
9 person who has received legal assistance or another benefit under this ~~act~~
10 chapter:

11 (a) To which he was not entitled;

12 (b) With respect to which he was not an indigent person when he received
13 it; or

14 (c) With respect to which he has failed to make the certification re-
15 quired under section 19-854, Idaho Code, and for which he refuses to pay
16 or reimburse. Suit must be brought within five (5) years after the date
17 on which the aid was received.

18 (2) The ~~prosecuting attorney of each county~~ attorney general may, on
19 behalf of the ~~county state~~, recover payment or reimbursement, as the case may
20 be, from each person other than a person covered under subsection (1) of this
21 section who has received legal assistance under this ~~act~~ chapter and who, on
22 the date on which suit is brought, is financially able to pay or reimburse the
23 county for it without manifest hardship according to the standards of abil-
24 ity to pay applicable under sections 19-851, 19-852 and 19-854, Idaho Code,
25 but refuses to do so. Suit must be brought within three (3) years after the
26 date on which the benefit was received.

27 (3) Amounts recovered under this section shall be paid into the ~~county~~
28 general state public defense fund pursuant to section 57-827, Idaho Code.

29 SECTION 55. That Section 19-863A, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 19-863A. CAPITAL CRIMES DEFENSE FUND AUTHORIZED. (1) The establish-
32 ment of a capital crimes defense fund by the counties of the state for
33 purposes of funding the costs of criminal defense in cases where the penalty
34 of death is a legal possibility is hereby authorized. The fund shall be
35 organized and operated in accordance with a joint powers agreement, as au-
36 thorized by chapter 23, title 67, Idaho Code, executed by the participating
37 counties. Membership in the fund shall be voluntary, as determined by reso-
38 lution of the board of county commissioners of the respective counties of the
39 state.

40 (2) The fund may be comprised of contributions from participating coun-
41 ties and any court fees or other funds designated or appropriated for deposit
42 in the fund by the legislature.

43 (3) The fund shall be operated and administered by a board of represen-
44 tatives to be selected as provided in the joint powers agreement. If moneys
45 are appropriated to the fund by the legislature, the governor shall appoint
46 a representative of the executive branch of state government to serve as a
47 voting member of the governing board, and if court fees are designated for

1 deposit in the fund, the Idaho supreme court shall appoint a representative
2 of the judicial branch of state government to serve as a voting member of the
3 board.

4 (4) The governing board of the fund shall have full authority to employ
5 personnel and contract for personal and professional services as necessary
6 and may take all other steps necessary or proper to determine the manner in
7 which the fund shall be utilized to assist participating counties in meeting
8 defense costs associated with representation of indigent defendants charged
9 with crimes for which the penalty of death is a legal possibility.

10 (5) ~~The services of the state appellate public defender as provided in~~
11 ~~chapter 59, title 19, Idaho Code, shall be available only to those counties~~
12 ~~participating in the fund. Beginning October 1, 2022, the state appellate~~
13 ~~public defender assumes all responsibility for providing representation for~~
14 ~~indigent defendants in the cases described in section 19-5905, Idaho Code;~~
15 ~~provided, however, that all counties participating in the capital crimes de-~~
16 ~~fense fund on January 1, 2022, shall be required to continue participation~~
17 ~~until October 1, 2024. At an appropriate time after October 1, 2024, partic-~~
18 ~~ipating counties are authorized to dissolve the fund.~~

19 SECTION 56. That Chapter 8, Title 57, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 57-827, Idaho Code, and to read as follows:

22 57-827. STATE PUBLIC DEFENSE FUND. (1) There is hereby established in
23 the state treasury the state public defense fund to be managed by the state
24 treasurer. Moneys in the fund shall consist of:

25 (a) Moneys transferred to the fund pursuant to section 63-3638(10),
26 Idaho Code;

27 (b) Legislative appropriations to the fund;

28 (c) On and after October 1, 2024, any fees or reimbursement ordered pur-
29 suant to section 19-854(7) and 19-858, Idaho Code, or distributed pur-
30 suant to section 31-3201I(16), Idaho Code;

31 (d) Any bequests or donations to the fund; and

32 (e) Interest earned on idle moneys in the fund.

33 (2) Moneys in the fund shall be used as determined by legislative ap-
34 propriation to fulfill the state's obligation to provide indigent public de-
35 fense pursuant to the sixth amendment of the United States constitution and
36 section 13, article I of the constitution of the state of Idaho.

37 SECTION 57. That Section 31-3607, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 31-3607. DUTIES OF BOARD. (a) Fiscal Affairs. -- The county hospital
40 board shall be charged with the care, custody, upkeep, management and opera-
41 tion of all property belonging to the county and devoted to the purposes pro-
42 vided in sections 31-3501 and ~~31-3503~~, Idaho Code, and shall be responsible
43 for all moneys received by it, including all revenues from the operation of
44 such property, all moneys received by tax levies for operation of such prop-
45 erty, and all moneys received from whatever source, by contribution or oth-
46 erwise, for such purposes: Provided, that if any contribution of money or
47 property be offered to the hospital board of the county for use for a spe-

1 cific purpose the hospital board may, if it deems it for the best interest of
2 the hospital or other facility or property under its management, accept such
3 contribution and use such contribution for such purpose.

4 (b) Funds -- Custody and Disbursement. -- The hospital board shall
5 safely keep or cause to be kept all moneys coming into the care, custody or
6 possession of the board in strict compliance with the public depository law
7 of this state, and shall pay out such money for valid bills and obligations of
8 the hospital, and shall keep or cause to be kept proper records in its minutes
9 of all its proceedings and all business transactions and proper accounts of
10 all moneys received by it, expended and on hand. The minutes of the board
11 shall be open to inspection by any taxpayer or elector of the county during
12 all regular office hours.

13 (c) Reports. -- The county hospital board shall report to the board
14 of county commissioners within thirty (30) days after the acceptance of
15 the annual hospital audit after the close of the fiscal year and shall an-
16 nually publish in one (1) issue of a newspaper having general circulation
17 in the county a financial statement reflecting the financial operations of
18 the hospital, together with such other information as the board of county
19 commissioners may deem necessary for the information of the people of the
20 county. The county hospital board shall also prepare in its regular course
21 of business unaudited monthly financial reports reflecting the financial
22 operations of the hospital. The county hospital board shall provide a copy
23 of those monthly reports to the member of the board of commissioners serving
24 as an ex officio member of the county hospital board.

25 (d) Limitations. -- The county hospital board subject to the bud-
26 getary limitations herein contained may acquire or build other property
27 for the purposes provided in sections 31-3501 and ~~31-3503~~, Idaho Code, or
28 improve, remodel, enlarge, reduce, or dispose of property being used for
29 such purposes. The county hospital board shall not have power to create any
30 indebtedness in excess of the amount of its annual budget as approved by the
31 board of county commissioners: Provided, that if the county hospital board
32 be formed after the time fixed by law for adoption of the budget, it may then
33 formulate and submit to the board of county commissioners a budget for the
34 rest of the current year, which budget, however, shall not provide for expen-
35 diture or creation of indebtedness in an amount greater than the estimated
36 income for that year, together with any receipts from taxes specially levied
37 for hospital purposes in such year.

38 SECTION 58. That Section 39-424A, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 39-424A. ADDITIONAL COUNTY AID TO DISTRICTS -- PROCEDURES. (1) Be-
41 ginning on January 1, 2022, and each year thereafter, the various boards of
42 county commissioners shall be responsible for providing additional annual
43 aid to the public health districts. The amount of such additional county aid
44 shall not be less than the amount appropriated to the various public health
45 districts by the legislature for state fiscal year 2021.

46 (2) The manner of apportioning the additional aid from the various
47 counties shall be calculated pursuant to section 39-424, Idaho Code, unless
48 an alternative manner of apportioning the additional aid is agreed to by the
49 budget committees of the various public health districts.

1 (3) ~~Notwithstanding the provisions of section 31-863, Idaho Code, a~~
 2 county may use any fund balance accruing pursuant to chapter 35, title 31,
 3 Idaho Code, to fund the annual aid provided for in this section.

4 SECTION 59. That Section 67-7903, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORT-
 7 ING. (1) Except as otherwise provided in subsection (3) of this section or
 8 where exempted by federal law, each agency or political subdivision of this
 9 state shall verify the lawful presence in the United States of each natural
 10 person eighteen (18) years of age or older who applies for state or local
 11 public benefits or for federal public benefits for the applicant.

12 (2) This section shall be enforced without regard to race, religion,
 13 gender, ethnicity or national origin.

14 (3) Verification of lawful presence in the United States shall not be
 15 required:

16 (a) For any purpose for which lawful presence in the United States is
 17 not required by law, ordinance or rule;

18 (b) For obtaining health care items and services that are necessary for
 19 the treatment of an emergency medical condition of the person involved
 20 and are not related to an organ transplant procedure;

21 (c) For short-term, noncash, in-kind emergency disaster relief;

22 (d) For public health assistance for immunizations with respect to im-
 23 munizable diseases and testing and treatment of symptoms of communica-
 24 ble diseases whether or not such symptoms are caused by a communicable
 25 disease;

26 (e) For programs, services or assistance, such as soup kitchens, crisis
 27 counseling and intervention and short-term shelter specified by fed-
 28 eral law or regulation that:

29 (i) Deliver in-kind services at the community level, including
 30 services through public or private nonprofit agencies;

31 (ii) Do not condition the provision of assistance, the amount of
 32 assistance provided or the cost of assistance provided on the in-
 33 dividual recipient's income or resources; and

34 (iii) Are necessary for the protection of life or public safety;

35 (f) For prenatal care;

36 (g) For postnatal care not to exceed twelve (12) months; or

37 (h) For food assistance for a dependent child under eighteen (18) years
 38 of age.

39 ~~Notwithstanding the provisions of this subsection (3), for the county in-~~
 40 ~~digent program, the limitations contained in section 31-3502(18)B., Idaho~~
 41 ~~Code, shall apply.~~

42 (4) An agency or a political subdivision shall verify the lawful pres-
 43 ence in the United States of each applicant eighteen (18) years of age or
 44 older for federal public benefits or state or local public benefits by:

45 (a) Employing electronic means to verify an applicant is legally
 46 present in the United States; or

47 (b) Requiring the applicant to provide:

48 (i) An Idaho driver's license or an Idaho identification card
 49 issued pursuant to section 49-2444, Idaho Code;

- 1 (ii) A valid driver's license or similar document issued for the
2 purpose of identification by another state or territory of the
3 United States, if such license or document contains a photograph
4 of the individual or such other personal identifying information
5 relating to the individual that the director of the department of
6 health and welfare or, with regard to unemployment compensation
7 benefits, the director of the department of labor finds, by rule,
8 sufficient for purposes of this section;
- 9 (iii) A United States military card or a military dependent's
10 identification card;
- 11 (iv) A United States coast guard merchant mariner card;
- 12 (v) A native American tribal document;
- 13 (vi) A copy of an executive office of immigration review, immi-
14 gration judge or board of immigration appeals decision, granting
15 asylee status;
- 16 (vii) A copy of an executive office of immigration review, immi-
17 gration judge or board of immigration appeals decision, indicat-
18 ing that the individual may lawfully remain in the United States;
- 19 (viii) Any United States citizenship and immigration service is-
20 sued document showing refugee or asylee status or that the indi-
21 vidual may lawfully remain in the United States;
- 22 (ix) Any department of state or customs and border protection is-
23 sued document showing the individual has been permitted entry into
24 the United States on the basis of refugee or asylee status, or on
25 any other basis that permits the individual to lawfully enter and
26 remain in the United States; or
- 27 (x) A valid United States passport; and
- 28 (c) Requiring the applicant to provide a valid social security number
29 that has been assigned to the applicant; and
- 30 (d) Requiring the applicant to attest, under penalty of perjury and on
31 a form designated or established by the agency or the political subdivi-
32 sion, that:
- 33 (i) The applicant is a United States citizen or legal permanent
34 resident; or
- 35 (ii) The applicant is otherwise lawfully present in the United
36 States pursuant to federal law.
- 37 (5) Notwithstanding the requirements of subsection (4) (b) of this sec-
38 tion, the agency or political subdivision may establish by appropriate legal
39 procedure such rules or regulations to ensure that certain individuals law-
40 fully present in the United States receive authorized benefits including,
41 but not limited to, homeless state citizens.
- 42 (6) For an applicant who has attested pursuant to subsection (4) (d) of
43 this section stating that the applicant is an alien lawfully present in the
44 United States, verification of lawful presence for federal public benefits
45 or state or local public benefits shall be made through the federal system-
46 atic alien verification of entitlement program, which may be referred to as
47 the "SAVE" program, operated by the United States department of homeland se-
48 curity or a successor program designated by the United States department of
49 homeland security. Until such verification of lawful presence is made, the

1 attestation may be presumed to be proof of lawful presence for purposes of
2 this section.

3 (a) Errors and significant delays by the SAVE program shall be reported
4 to the United States department of homeland security to ensure that the
5 application of the SAVE program is not wrongfully denying benefits to
6 legal residents of this state.

7 (b) Agencies or political subdivisions may adopt variations of the re-
8 quirements of subsection (4) (d) of this section to improve efficiency
9 or reduce delay in the verification process or to provide for adjudica-
10 tion of unique individual circumstances in which the verification pro-
11 cedures in this section would impose unusual hardship on a legal resi-
12 dent of this state; except that the variations shall be no less strin-
13 gent than the requirements of subsection (4) (d) of this section.

14 (c) A person who knowingly makes a false, fictitious or fraudulent
15 statement or representation in an attestation executed pursuant to
16 subsection (4) (d) or (6) (b) of this section or who knowingly provides
17 a social security number that has not been assigned to him pursuant to
18 subsection (4) (c) of this section shall be:

19 (i) Guilty of a misdemeanor for the first and second offense; and

20 (ii) Guilty of a felony for each subsequent offense.

21 (7) An agency or political subdivision may accept as prima facie evi-
22 dence of an applicant's lawful presence in the United States the information
23 required in subsection (4) of this section, as may be modified by subsection
24 (5) of this section, when issuing a professional license or a commercial li-
25 cense.

26 (8) Notwithstanding the provisions of subsection (3) of this section,
27 for the county indigent program the following services shall not be in-
28 cluded:

29 (a) Bone marrow transplants;

30 (b) Organ transplants;

31 (c) Elective, cosmetic, or experimental procedures;

32 (d) Services related to, or provided by, residential, skilled nursing,
33 assisted living, or shelter care facilities;

34 (e) Normal, uncomplicated pregnancies, excluding caesarean sections
35 and childbirth well-baby care;

36 (f) Medicare co-payments and deductibles;

37 (g) Services provided by, or available to, an applicant from state,
38 federal, or local health programs;

39 (h) Medicaid co-payments and deductibles; and

40 (i) Drugs, devices, or procedures primarily utilized for weight reduc-
41 tion and complications directly related to such drugs, devices, or pro-
42 cedures.

43 SECTION 60. An emergency existing therefor, which emergency is hereby
44 declared to exist, Sections 5 through 38, 52, 57, and 59 of this act shall be
45 in full force and effect on and after passage and approval; and Sections 1
46 through 4, 53, 55, 56, and 58 shall be in full force and effect on and after
47 July 1, 2022. Sections 39 through 51 shall be in full force and effect on and
48 after July 1, 2023. Section 54 shall be in full force and effect on and after
49 October 1, 2024.