

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 375

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO ROADS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
 2 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY
 3 DISTRIBUTION ACCOUNT AND TO REVISE A CODE REFERENCE; AMENDING
 4 SECTION 41-4910, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING
 5 SECTION 63-2412, IDAHO CODE, TO REVISE DISTRIBUTIONS OF TAX
 6 REVENUES FROM THE TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL;
 7 PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING
 8 EFFECTIVE DATES.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. LEGISLATIVE INTENT. The Legislature acknowledges that, beginning
 12 July 1, 2011, the revised distribution from the Highway Distribution Account and the revised
 13 distribution from gasoline tax revenues provided for in this act will reduce moneys annually
 14 provided to the Idaho State Police and the Idaho Department of Parks and Recreation. In
 15 light of such reductions, the Legislature will authorize, via concurrent resolution, a legislative
 16 task force, comprised of eight members of the Legislature, including both co-chairs of the
 17 Joint Finance-Appropriations Committee, to study potential sources of revenue to offset the
 18 reductions that will be sustained by the Idaho State Police and the Idaho Department of Parks
 19 and Recreation. The Legislature declares that every effort will be made to find appropriate
 20 alternative sources of moneys on an ongoing basis to offset the reduced distributions to the
 21 Idaho State Police and the Idaho Department of Parks and Recreation.

22 SECTION 2. That Section 40-701, Idaho Code, be, and the same is hereby amended to
 23 read as follows:

24 40-701. HIGHWAY DISTRIBUTION ACCOUNT – APPORTIONMENT. (1) There is
 25 established in the state treasury an account known as the "Highway Distribution Account," to
 26 which shall be credited:

- 27 (a) Moneys as provided by sections 63-2412(1)(e)4 and 63-2418(3), Idaho Code;
- 28 (b) All moneys collected by the department, their agents and vendors, and county
- 29 assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise
- 30 specifically provided for; and
- 31 (c) All other moneys as may be provided by law.

32 (2) The highway distribution account shall be apportioned as follows:

- 33 (a) Thirty-eight percent (38%) to local units of government as provided in section
- 34 40-709, Idaho Code;
- 35 (b) ~~Fifty seven~~ Sixty-two percent (~~57~~62%) to the state highway account established in
- 36 section 40-702, Idaho Code; ~~and~~. The state controller shall cause the remittance of the
- 37 moneys apportioned to local units of government not later than January 25, April 25, July

1 25 and October 25 of each year, and to the state highway account as the moneys become
 2 available to the highway distribution account.

3 ~~(e) Five percent (5%) to the law enforcement account, established in section 67-2914,~~
 4 ~~Idaho Code. The state controller shall cause the remittance of the moneys apportioned~~
 5 ~~to local units of government not later than January 25, April 25, July 25 and October 25~~
 6 ~~of each year, and to the state highway account and the law enforcement account as the~~
 7 ~~moneys become available to the highway distribution account.~~

8 (3) Interest earned on the investment of idle moneys in the highway distribution account
 9 shall be paid to the highway distribution account.

10 (4) All idle moneys in the dedicated highway trust or asset accounts or subaccounts
 11 established from highway user revenues, reimbursements, fees or permits shall be invested by
 12 the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with
 13 respect to other surplus or idle moneys in the state treasury. Interest earned on the investments
 14 shall be returned to the various highway trust or asset accounts and subaccounts.

15 SECTION 3. That Section 41-4910, Idaho Code, be, and the same is hereby amended to
 16 read as follows:

17 41-4910. DISTRIBUTION OF APPLICATION FEES AND TRANSFER FEES. (1) The
 18 application fees and the transfer fees collected as provided in this chapter shall be promptly
 19 remitted to the state treasurer for deposit in the Idaho petroleum clean water trust fund. The
 20 transfer fees and accumulated interest which accrued to the fund prior to August 3, 1995, shall
 21 remain in the fund. The transfer fees and accumulated interest, which have been held in a
 22 separate suspense account since August 3, 1995, shall be distributed as provided in subsection
 23 (4) of this section. The transfer fees and accumulated interest which accrue to the Idaho
 24 petroleum clean water trust fund subsequent to April 1, 1997, shall be distributed monthly
 25 thereafter as provided in subsection (5) of this section.

26 (2) An amount of money equal to the actual cost of collecting, administering and
 27 enforcing the transfer fee by the commission, as determined by it, shall be retained by the
 28 commission. The amount retained by the commission shall not exceed the amount authorized
 29 to be expended by appropriation by the legislature. Any unencumbered balance in excess of
 30 the actual cost of collection, administering and enforcing the transfer fee requirements by the
 31 commission at the end of each fiscal year shall be remitted to the state treasurer for deposit into
 32 the Idaho petroleum clean water trust fund.

33 (3) From the receipts of the transfer fee, an amount of money shall be distributed to the
 34 state refund account established under section 63-3067, Idaho Code, sufficient to reimburse that
 35 account for all current refund claims under this chapter paid from that account. Any refunds
 36 due and owing from the commission under this chapter shall be paid from the state refund
 37 account and those moneys are hereby continuously appropriated for that purpose.

38 (4) For the distribution on April 1, 1997, the balance of the transfer fees and accumulated
 39 interest accruing to the separate suspense account established for such fees on August 3, 1995,
 40 which remain after distributing the amounts specified in subsections (2) and (3) of this section,
 41 shall be distributed as follows:

42 (a) Twenty percent (20%) to the Idaho petroleum clean water trust fund established in
 43 section 41-4905, Idaho Code;

1 (b) Three percent (3%) to the Idaho department of parks and recreation in accordance
 2 with subparagraphs 1., 2., and 3. of paragraph (e), subsection (1) of section 63-2412,
 3 Idaho Code; and

4 (c) The remainder shall be distributed:

5 (i) Six million dollars (\$6,000,000) to the state highway account for
 6 administration by the Idaho transportation department as provided in section
 7 41-4910A, Idaho Code; and

8 (ii) The balance remaining to the highway distribution account established in
 9 section 40-701, Idaho Code.

10 (5) For the distribution at the end of fiscal year 1997 and monthly thereafter, the balance
 11 of the transfer fees and accumulated interest accruing to the Idaho petroleum clean water trust
 12 fund which remain after distributing the amounts specified in subsections (2) and (3) of this
 13 section, shall be distributed as follows:

14 (a) Seventy-seven percent (77%) to the highway distribution account established in
 15 section 40-701, Idaho Code; and

16 (b) Three percent (3%) to the Idaho department of parks and recreation in accordance
 17 with subparagraphs 1., 2., and 3. of paragraph (e), subsection (1) of section 63-2412,
 18 Idaho Code, as that section existed on July 1, 2009.

19 SECTION 4. That Section 63-2412, Idaho Code, be, and the same is hereby amended to
 20 read as follows:

21 63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND
 22 AIRCRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sections
 23 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties,
 24 interest, or deficiency additions, shall be distributed periodically as follows:

25 (a) An amount of money equal to the actual cost of collecting, administering and
 26 enforcing the gasoline tax requirements by the commission, as determined by it shall
 27 be retained by the commission. The amount retained by the commission shall not
 28 exceed the amount authorized to be expended by appropriation by the legislature. Any
 29 unencumbered balance in excess of the actual cost of collecting, administering and
 30 enforcing the gasoline tax requirements by the commission at the end of each fiscal year
 31 shall be distributed as listed in paragraph (e) of this subsection.

32 (b) An amount of money shall be distributed to the state refund account sufficient to pay
 33 current refund claims. All refunds authorized by the commission to be paid shall be paid
 34 from the state refund account and those moneys are hereby continuously appropriated for
 35 that purpose.

36 (c) As soon as possible after the beginning of each fiscal year, the sum of two hundred
 37 fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing
 38 protection account in the dedicated fund, to pay the amounts from the account pursuant to
 39 the provisions of section 62-304C, Idaho Code.

40 (d) As soon as possible after the beginning of each fiscal year, the sum of one hundred
 41 thousand dollars (\$100,000) shall be distributed to the local bridge inspection account in
 42 the dedicated fund, to pay the amounts from the account pursuant to the provisions of
 43 section 40-703, Idaho Code.

44 ~~(e) From the balance remaining with the commission after distributing the amounts in~~
 45 ~~paragraphs (a) through (d) of subsection (1) of this section:~~

~~1. One and twenty eight hundredths percent (1.28%) shall be distributed as follows: sixty six percent (66%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty three percent (33%) of the one and twenty eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57 1801, Idaho Code. One percent (1%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67 2913, Idaho Code;~~

~~2. One and twenty eight hundredths percent (1.28%) shall be distributed as follows: sixty six percent (66%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the off road motor vehicle account, as created in section 57 1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the off road motor vehicle account. Thirty three percent (33%) of the one and twenty eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57 1801, Idaho Code. One percent (1%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67 2913, Idaho Code; and~~

~~3. Forty four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57 1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.~~

~~4. The balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section shall be distributed to the highway distribution account created in section 40-701, Idaho Code.~~

(2) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

1 SECTION 6. An emergency existing therefor, which emergency is hereby declared to
2 exist, Section 1 of this act shall be in full force and effect on and after passage and approval.
3 Sections 2, 3 and 4 of this act shall be in full force and effect on and after July 1, 2011.