

Moved by McGee

Seconded by Winder

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1147, As Amended

AMENDMENT TO THE BILL

On page 2 of the engrossed bill, following line 31 insert:

"SECTION 4. That Section 40-315, Idaho Code, be, and the same is hereby amended to read as follows:

40-315. POWERS AND DUTIES -- FEDERALLY-FUNDED HIGHWAY PROJECT FINANCING. (1) In order to address the increasing need for timely improvements to Idaho's highway transportation infrastructure, the board may:

(a) Enter into agreements with the Idaho housing and finance association in connection with the funding of highway transportation projects qualifying for reimbursement from federal funds.

(b) Approve and recommend federal highway transportation projects to the Idaho housing and finance association for financing by the association. Such federal highway transportation projects shall be eligible for federal-aid debt financing under chapter 1, title 23, United States Code, and approval by the federal highway administration as an advanced construction (AC) project thereunder. The board shall select and designate such transportation projects to be funded with bond proceeds from the following list of eligible projects:

ROUTE	PROJECT DESCRIPTION
US-95	SH-1 to Canadian border
US-95	Garwood to Sagle <u>(with southern termini of the project at approximately Wyoming Avenue and with the northern termini of the project at approximately the south side of Sandpoint)</u>
US-95	Worley to Setters
US-95	Thorn Creek to Moscow
US-95	Smokey Boulder to Hazard Creek
SH-16 Ext	South Emmett to Mesa with connection to SH-55
SH-16 Ext	I-84 to South Emmett
I-84	Caldwell to Meridian
I-84	Orchard to Isaacs Canyon

1	US-93	Twin Falls alternate route and new Snake River crossing
2	SH-75	Timmerman to Ketchum
3	US-20	St. Anthony to Ashton
4	US-30	McCammon to Soda Springs

5 (c) On and after July 1, 2008, all allocations of GARVEE bond proceeds shall be the
6 sole responsibility and duty of the Idaho transportation board. The legislature shall have
7 authority to approve a total GARVEE bond amount on an annual basis. However, the
8 Idaho transportation board is directed to allocate bond revenue only among the projects
9 listed in subsection (1)(b) of this section. In making its funding allocation for projects,
10 the board shall take into consideration: the cost of the project and whether or not that
11 project could be financed without bonding; whether the project is necessary to facilitate
12 the traffic flow on vital transportation corridors; and whether the project is necessary to
13 improve safety for the traveling public. On and after July 1, 2008, the board shall use
14 due care in selecting projects for bonding and shall balance and coordinate the use of
15 bonding with the use of highway construction moneys.

16 Notwithstanding the provisions of subsection (1)(b) of this section wherein eligible projects are
17 listed for selection and designation by the board, if any of the designated projects are deemed
18 to be ineligible by the board, the board shall have the authority to replace those projects with
19 other projects listed in subsection (1)(b) of this section.

20 (2) Prior to issuance by the Idaho housing and finance association of any bonds or notes
21 to finance highway transportation projects, the board shall certify to the association that suffi-
22 cient federal transportation funds are available to make any payments required for such bonds
23 or notes.

24 (3) The board shall limit annual, total cumulative debt service and other bond-related
25 expenses as follows:

26 (a) In the 2006 legislative session for the fiscal year 2007 budget, total cumulative debt
27 service and other bond-related expenses on federally-funded highway project financing
28 shall be no more than twenty percent (20%) of annual federal-aid highway apportion-
29 ments.

30 (b) In the 2007 legislative session for the fiscal year 2008 budget, total cumulative debt
31 service and other bond-related expenses on federally-funded highway project financing
32 shall be no more than twenty percent (20%) of annual federal-aid highway apportion-
33 ments.

34 (c) In the 2008 legislative session for the fiscal year 2009 budget, total cumulative debt
35 service and other bond-related expenses on federally-funded highway project financing
36 shall be no more than twenty percent (20%) of annual federal-aid highway apportion-
37 ments.

38 (d) In the 2009 legislative session for the fiscal year 2010 budget, total cumulative debt
39 service and other bond-related expenses on federally-funded highway project financing
40 shall be no more than twenty percent (20%) of annual federal-aid highway apportion-
41 ments.

42 (e) In the 2010 legislative session for the fiscal year 2011 budget, total cumulative debt
43 service and other bond-related expenses on federally-funded highway project financing
44 shall be no more than thirty percent (30%) of annual federal-aid highway apportionments.

1 (f) Beginning with the 2011 legislative session for the fiscal year 2012 budget, or for any
 2 year thereafter, the thirty percent (30%) limit may be exceeded, but only by affirmative
 3 action of both the house of representatives and the senate, and with the approval of the
 4 governor.

5 (4) In the event the board selects and designates to be funded with bond proceeds any
 6 of the transportation projects listed in subsection (1) of this section, and prior to entering into
 7 agreements with the Idaho housing and finance association as provided herein, the Idaho trans-
 8 portation department, as part of its annual budget request prepared pursuant to section 67-3502,
 9 Idaho Code, shall include a request for bonding authority as a separate item of its budget re-
 10 quest. This request for bonding authority shall include a list of planned highway transportation
 11 projects to be financed with such bond financing during the next succeeding fiscal year.

12 (5) By June 30 of each year, the board shall submit a report to the legislature concerning
 13 projects currently under construction using the bond financing as authorized by the provisions
 14 of this section, and shall include a list of planned highway transportation projects to be financed
 15 with such bond financing during the next succeeding fiscal year.

16 SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that Section
 17 4 of this act expand the northern and southern boundaries of the Garwood to Sagle project
 18 in the following manner: the southern boundary of the project is expanded to approximately
 19 Wyoming Avenue in Hayden and the northern boundary of the project is expanded to approx-
 20 imately the south side of Sandpoint. All prior appropriations and bonding authority autho-
 21 rizations to the Idaho Transportation Department for the Garwood to Sagle project are hereby
 22 amended to include expenditures on those portions of the project between Garwood and the
 23 southern boundary of the project which is approximately Wyoming Avenue and between the
 24 northern boundary of the project which is approximately the south side of Sandpoint.

25 It is further legislative intent that innovative and nontraditional approaches to delivering
 26 transportation projects, such as revenue generated via GARVEE bonding and the design and
 27 construction of transportation projects via a design-build approach, are necessary to meet future
 28 transportation needs of Idaho.

29 SECTION 6. The provisions of this act are hereby declared to be severable and if any pro-
 30 vision of this act or the application of such provision to any person or circumstance is declared
 31 invalid for any reason, such declaration shall not affect the validity of the remaining portions of
 32 this act.";
 33 and if necessary, renumber sections accordingly.

34 CORRECTION TO TITLE

35 On page 1, delete line 2 and insert: "RELATING TO HIGHWAYS; AMENDING"; in line
 36 11, delete "AND"; and in line 12, following "CONTRACT" insert: "; AMENDING SECTION
 37 40-315, IDAHO CODE, TO REVISE THE DESCRIPTION OF AN ELIGIBLE PROJECT;
 38 PROVIDING LEGISLATIVE INTENT; AND PROVIDING SEVERABILITY".