

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 513

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO TAXATION; AMENDING SECTION 40-718, IDAHO CODE, TO ESTABLISH  
2 PROVISIONS RELATING TO CERTAIN MONEYS INCLUDED IN THE GARVEE DEBT SER-  
3 VICE FUND; AMENDING SECTION 63-2506, IDAHO CODE, TO REVISE PROVISIONS  
4 RELATING TO CERTAIN MONEYS SUBJECT TO APPROPRIATION TO THE PUBLIC  
5 SCHOOL INCOME FUND AND THE DEPARTMENT OF JUVENILE CORRECTIONS; AMEND-  
6 ING SECTION 63-2520, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE  
7 DISTRIBUTION OF CERTAIN REVENUES AND TO MAKE TECHNICAL CORRECTIONS; AND  
8 AMENDING SECTION 57-1702, IDAHO CODE, TO REVISE A TERM.  
9

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

11 SECTION 1. That Section 40-718, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 40-718. GARVEE FUNDS ESTABLISHED -- CAPITAL PROJECT FUND -- DEBT SER-  
14 VICE FUND. (1) There is established in the state treasury a fund known as the  
15 "GARVEE Capital Project Fund" which shall include:

16 (a) Any draw by the board of proceeds from the transportation bonds or  
17 notes issued by the Idaho housing and finance association in accordance  
18 with chapter 62, title 67, Idaho Code.

19 (b) Interest earned on the investment of idle moneys in the GARVEE capi-  
20 tal project fund shall be paid to the GARVEE capital project fund.  
21 Disbursements from this fund shall be made for projects in accordance with  
22 chapter 3, title 40, Idaho Code. All moneys in the fund are hereby continu-  
23 ously appropriated to the department.

24 (2) There is established in the state treasury a fund known as the  
25 "GARVEE Debt Service Fund" for the purpose of paying the principal, interest  
26 and other amounts required for transportation bonds or notes of the Idaho  
27 housing and finance association in accordance with chapter 62, title 67,  
28 Idaho Code. The fund shall include:

29 (a) Amounts transferred from the state highway account upon certifi-  
30 cation by the Idaho housing and finance association to the state con-  
31 troller, state treasurer and the board as necessary for payment of prin-  
32 cipal, interest and other amounts required for transportation bonds or  
33 notes.

34 (b) Amounts distributed pursuant to section 63-2520 (b) (5), Idaho Code.  
35 Provided that such moneys distributed to the GARVEE debt service fund  
36 pursuant to this paragraph shall be used in combination with the amounts  
37 provided for in paragraph (a) of this subsection and shall be used for  
38 payment of principal, interest and other amounts required for trans-  
39 portation bonds or notes.

40 (c) Interest earned on the investment of idle moneys in the GARVEE debt  
41 service fund shall be paid to the GARVEE debt service fund.

1 From moneys within this fund, there are hereby continuously appropriated  
 2 such amounts as, from time to time, shall be certified by the Idaho housing  
 3 and finance association to the state controller, state treasurer and the  
 4 board as necessary for payment of principal, interest and other amounts  
 5 required for transportation bonds or notes of the Idaho housing and finance  
 6 association in accordance with chapter 62, title 67, Idaho Code, which  
 7 amounts shall be paid over as directed by the association.

8 SECTION 2. That Section 63-2506, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 63-2506. IMPOSITION OF TAX. (1) On and after July 1, 2005, a tax upon  
 11 the purchase, storage, use, consumption, handling, distribution or whole-  
 12 sale sale of cigarettes is hereby imposed at the rate of fifty-seven cents  
 13 (57¢) per package of twenty (20) cigarettes, which tax shall be paid by the  
 14 wholesaler, and collected by the state tax commission. ~~5.1746¢ of the tax~~  
 15 ~~collected per package of twenty (20) cigarettes~~ Beginning July 1, 2014, and  
 16 every year thereafter, of the tax collected pursuant to this subsection,  
 17 three million three hundred fifteen thousand dollars (\$3,315,000) shall be  
 18 subject to appropriation to the public school income fund to be utilized to  
 19 facilitate and provide substance abuse programs in the public school system.  
 20 ~~5.1746¢ of the tax collected per package of twenty (20) cigarettes~~ Beginning  
 21 July 1, 2014, and every year thereafter, of the tax collected pursuant  
 22 to this subsection, three million three hundred fifteen thousand dollars  
 23 (\$3,315,000) shall be subject to appropriation to the department of juvenile  
 24 corrections for distribution to the counties to be utilized for county juve-  
 25 nile probation services.

26 (2) Appropriated funds shall be distributed quarterly to the counties  
 27 based upon the percentage the population of the county bears to the popula-  
 28 tion of the state as a whole.

29 (3) The remaining moneys collected and those moneys not appropriated  
 30 under the provisions of this section shall be distributed as specified in  
 31 section 63-2520, Idaho Code.

32 SECTION 3. That Section 63-2520, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the  
 35 taxes imposed by this chapter, and any revenues received from licenses, per-  
 36 mits, penalties, interest, or deficiency additions, shall be distributed by  
 37 the state tax commission as follows:

38 (a) An amount of money shall be distributed to the state refund account  
 39 sufficient to pay current refund claims. All refunds authorized under this  
 40 chapter by the state tax commission shall be paid through the state refund  
 41 account, and those moneys are continuously appropriated.

42 (b) On and after July 1, ~~2005~~ 2014, the balance remaining with the state  
 43 treasurer after deducting the amount described in subsection (a) of this  
 44 section shall be distributed as follows:

45 (1) ~~17.3% of such balance~~ Five million dollars (\$5,000,000) shall be  
 46 distributed to the permanent building fund created by section 57-1108,  
 47 Idaho Code.

1        ~~0.4% of such balance~~ One hundred twenty thousand dollars (\$120,000)  
 2 shall be distributed to the central cancer registry fund and is subject  
 3 to appropriation as provided for in chapter 35, title 67, Idaho Code.  
 4 ~~The amount of money so distributed to the central cancer registry fund~~  
 5 ~~shall not exceed the fiscal year's appropriation, and at such time as~~  
 6 ~~the appropriation has been distributed to the central cancer registry~~  
 7 ~~fund during any fiscal year, all such distributions in excess of the ap-~~  
 8 ~~propriation shall be made instead to the general fund of the state of~~  
 9 ~~Idaho.~~

10        ~~1% of such balance~~ Three hundred thousand dollars (\$300,000) shall  
 11 be distributed to the cancer control ~~account~~ fund created by section  
 12 57-1702, Idaho Code, and is subject to appropriation as provided for in  
 13 chapter 35, title 67, Idaho Code. ~~Revenues received in the cancer con-~~  
 14 ~~trol account shall be paid over to the state treasurer by the state tax~~  
 15 ~~commission to be distributed as follows:~~

16            ~~(i) Such amounts as are appropriated for purposes specified in~~  
 17 ~~section 57-1702, Idaho Code, shall be expended as appropriated;~~

18            ~~(ii) Any balance remaining in the cancer control account on June~~  
 19 ~~30 of any fiscal year after the amounts withdrawn by appropriation~~  
 20 ~~have been deducted, shall be reserved for transfer to the general~~  
 21 ~~fund on July 1 and the state controller shall order such transfer.~~

22        (4) An amount equal to the annual general fund appropriation for  
 23 bond levy equalization, less the amount distributed under section  
 24 67-7434(21), Idaho Code, if applicable, pursuant to section 33-906,  
 25 Idaho Code, shall be annually distributed to the general fund.

26        (5) All remaining moneys shall be distributed as follows: ~~For the fis-~~  
 27 ~~cal year commencing July 1, 2005, and ending June 30, 2006, all moneys~~  
 28 ~~shall be distributed to the economic recovery reserve fund created by~~  
 29 ~~section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006,~~  
 30 ~~all moneys shall be distributed to the permanent building fund with~~  
 31 ~~the moneys to be used for the repair, remodel and restoration of the~~  
 32 ~~state capitol building and state facilities pertaining to the capitol~~  
 33 ~~restoration until such time as the capitol restoration is adequately~~  
 34 ~~funded as certified by the director of the department of administra-~~  
 35 ~~tion. Thereafter, all remaining moneys shall be distributed in the~~  
 36 ~~following priority order:~~

37            (i) Four million seven hundred thousand dollars (\$4,700,000) to  
 38 be used for the purpose of paying the state match as required for  
 39 federal funds committed to pay the annual scheduled GARVEE debt  
 40 service until such time as the Idaho housing and finance associ-  
 41 ation certifies that any such bonds or notes are adequately paid  
 42 for, in accordance with chapter 62, title 67, Idaho Code;

43            (ii) Three million dollars (\$3,000,000) to the secondary aquifer  
 44 planning, management and implementation fund as established in  
 45 section 42-1780, Idaho Code. Such moneys shall be used for aquifer  
 46 recharge only;

47            (iii) Two million dollars (\$2,000,000) to the aquifer planning and  
 48 management fund as established in section 42-1780, Idaho Code.  
 49 Such moneys shall be subject to appropriation; and

1            (iv) All remaining moneys following distributions pursuant  
2            to subparagraphs (i) through (iii) of this paragraph shall be  
3            distributed to the state highway account for the purpose of pay-  
4            ing for the maintenance and repair (and including purchase of  
5            rights-of-way) of the state highway system.

6            ~~Thereafter all moneys shall be distributed to the economic recovery re-~~  
7            ~~serve fund created by section 67-3520, Idaho Code.~~

8            SECTION 4. That Section 57-1702, Idaho Code, be, and the same is hereby  
9            amended to read as follows:

10           57-1702. ~~CANCER CONTROL ACCOUNT~~ FUND. There shall be established in  
11           the dedicated fund in the state treasury the cancer control ~~account~~ fund, to  
12           which shall be credited the revenues derived from the tax distributed by sub-  
13           section (b) (3) of section 63-2520, Idaho Code. All moneys now or hereafter  
14           in the cancer control ~~account~~ fund, to the extent appropriated, are hereby  
15           dedicated for the purpose of contracting for and obtaining the services to  
16           promote cancer control for the citizens of Idaho, through research, educa-  
17           tion, screening and treatment. The director of the department of health and  
18           welfare is charged with the administration of moneys appropriated from the  
19           ~~account~~ fund unless otherwise provided by law.