

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 165

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO INCOME TAX REFUNDS; REPEALING SECTION 63-3067A, IDAHO CODE, RE-
2 LATING TO INCOME TAX REFUND OR PAYMENT DESIGNATIONS; REPEALING SECTION
3 63-3067B, IDAHO CODE, RELATING TO INCOME TAX REFUND OR PAYMENT DESIGNA-
4 TIONS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A
5 NEW SECTION 63-3067A, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF AN
6 INCOME TAX REFUND OR PAYMENT TO CERTAIN TRUST ACCOUNTS; AMENDING SEC-
7 TION 63-3067C, IDAHO CODE, TO REVISE PROVISIONS REGARDING MINIMUM COL-
8 LECTION THRESHOLDS, TO PROVIDE THAT THE STATE TAX COMMISSION SHALL RE-
9 PORT ANNUALLY ON THE TRUST ACCOUNTS FAILING TO MEET THE THRESHOLD, TO
10 REMOVE CERTAIN CODE REFERENCES, AND TO REDESIGNATE THE SECTION; AMEND-
11 ING SECTION 38-136, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMEND-
12 ING SECTION 65-209, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN
13 EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.
14

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

16 SECTION 1. That Section [63-3067A](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 2. That Section [63-3067B](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 3. That Chapter 30, Title 63, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 63-3067A, Idaho Code, and to read as follows:

23 63-3067A. INCOME TAX REFUND OR PAYMENT DESIGNATION BY INDIVIDUALS TO
24 TRUST ACCOUNTS. (1) Every individual who:

25 (a) Has a refund due and payable for overpayment of taxes under this
26 chapter may designate all or any portion thereof to be deposited in a
27 trust account specified in subsection (3) of this section; or

28 (b) Has an income tax liability may, in addition to his tax obligation,
29 include a donation to be deposited in a trust account specified in sub-
30 section (3) of this section.

31 (2) A designation under subsection (1) of this section may be made in
32 any taxable year in such manner and form as prescribed by the state tax com-
33 mission. The manner and form so prescribed shall be a conspicuous portion of
34 the principal form provided for the purpose of individual taxation.

35 (3) The trust accounts authorized to receive moneys designated under
36 subsection (1) of this section are:

37 (a) The fish and game set-aside account created in section 36-111,
38 Idaho Code;

39 (b) The children's trust fund created in section 39-6007, Idaho Code;

40 (c) The special olympics Idaho fund created in section 57-823, Idaho
41 Code;

1 (d) The Idaho guard and reserve family support fund created in section
2 57-820, Idaho Code;

3 (e) The Idaho food bank fund created in section 57-824, Idaho Code;

4 (f) The veterans support fund created in section 65-209, Idaho Code;
5 and

6 (g) The American red cross of greater Idaho fund created in section
7 57-821, Idaho Code.

8 (4) Prior to the distribution of funds into any of the trust accounts
9 specified in subsection (3) of this section from the refund account, the
10 state tax commission shall retain funds for the commission's costs for
11 collecting and administering the moneys in the accounts as follows: three
12 thousand dollars (\$3,000) from each account for start-up costs during the
13 first year of collections, and three thousand dollars (\$3,000) or twenty
14 percent (20%) of the moneys remitted to each account during the fiscal year,
15 whichever is less, from each account during each fiscal year thereafter,
16 which amounts are hereby appropriated to the state tax commission.

17 SECTION 4. That Section 63-3067C, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 63-3067C. SUNSETTING DESIGNATIONS. (1) The designations referred to
20 in section 63-3067A ~~or 63-3067B~~, Idaho Code, shall expire and no longer ap-
21 pear on the income tax return form when:

22 (a) For each of two (2) consecutive calendar years, the amount received
23 by the state tax commission that is designated for a particular trust
24 fund named in section 63-3067A ~~or 63-3067B~~, Idaho Code, fails to equal
25 or exceed twenty-five thousand dollars (\$250,000); and

26 (b) After one (1) year when collections fail to equal or exceed twenty-
27 ~~five~~ thousand dollars (\$250,000), the state tax commission has notified
28 the appropriate agency that:

29 (i) The amount received by the state tax commission that is des-
30 ignated for that particular trust fund failed to equal or exceed
31 twenty-five thousand dollars (\$250,000); and

32 (ii) ~~If t~~The amount received by the state tax commission that
33 is designated for the particular trust fund in the next subse-
34 quent year fails to equal or exceed twenty-five thousand dollars
35 (\$250,000).

36 (2) As used in this section, "appropriate agency" means the agency of
37 the state of Idaho that is responsible for administering the programs ben-
38 efitting from the fund to which amounts designated under section 63-3067A ~~or~~
39 ~~63-3067B~~, Idaho Code, are distributed. If no agency of the state of Idaho has
40 such responsibility, the term means such other private or public entity that
41 is the principal beneficiary of the funds.

42 (3) The state tax commission shall report annually to the house revenue
43 and taxation committee on the trust funds that have failed to meet the neces-
44 sary monetary threshold for collections for the prior two (2) years.

45 SECTION 5. That Section 38-136, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 38-136. COMMUNITY FORESTRY TRUST ACCOUNT. (1) There is hereby created
2 within the dedicated fund of the state treasury the community forestry trust
3 account.

4 (2) The account shall consist of the following:

5 (a) ~~Moneys as provided in section 63-3067B, Idaho Code;~~

6 ~~(b) Donations, gifts, and grants from any source;~~

7 (eb) Any other moneys which may hereinafter be provided by law; and

8 (dc) Interest earned by the account.

9 (3) The director or designee of the department of lands may authorize
10 disbursements of moneys from the account for projects related to community
11 forestry.

12 (4) Not less than thirty-five percent (35%) of the funding for an ap-
13 proved project shall be provided by the entity sponsoring or proposing the
14 project or program. Contributions such as materials, personnel, supplies,
15 or services may be considered as all or part of the funding provided by the
16 petitioning entity.

17 SECTION 6. That Section 65-209, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 65-209. VETERANS SUPPORT FUND. (1) There is hereby created in the
20 state treasury the "Veterans Support Fund" to which shall be credited:

21 (a) The moneys designated under sections ~~63-3067A and 63-3067B~~, Idaho
22 Code, and the moneys designated under section 49-403B, Idaho Code;

23 (b) Gifts, grants, contributions and bequests to the fund;

24 (c) Interest earned on the investment of idle moneys in the fund, which
25 shall be paid to the fund; and

26 (d) All other moneys as may be provided by law.

27 (2) Moneys in the fund shall be used exclusively for the purposes of
28 programs to support veterans and to defray the costs of administering gold
29 star license plate eligibility pursuant to section 49-403B, Idaho Code.
30 Moneys in the fund shall be continuously appropriated for such purposes.

31 (3) Disbursements of moneys from the fund shall be made upon authoriza-
32 tion of the administrator of the division of veterans services.

33 SECTION 7. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after its
35 passage and approval, and retroactively to January 1, 2019.