LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 325

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT
RELATING TO SALES TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SALES AND USE TAX REVENUE DISTRIBUTION TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:
(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.
(2) Five million dollars ($5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.
(3) Four million eight hundred thousand dollars ($4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.
(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.
(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.
(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.
(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.
(8) For fiscal year 2011 and each fiscal year thereafter, four million
one hundred thousand dollars ($4,100,000), of which two million two hundred
thousand dollars ($2,200,000) shall be distributed to each of the forty-four
(44) counties in equal amounts and one million nine hundred thousand dol-
ars ($1,900,000) shall be distributed to the forty-four (44) counties in
the proportion that the population of the county bears to the population of
the state. For fiscal year 2012 and for each fiscal year thereafter, the
amount distributed pursuant to this subsection shall be adjusted annually
by the state tax commission in accordance with the consumer price index for
all urban consumers (CPI-U) as published by the U.S. department of labor,
bureau of labor statistics, but in no fiscal year shall the total amount
allocated for counties under this subsection be less than four million one
hundred thousand dollars ($4,100,000). Any increase resulting from the ad-
justment required in this section shall be distributed to each county in the
proportion that the population of the county bears to the population of the
state. Each county shall establish a special election fund to which shall
be deposited all revenues received from the distribution pursuant to this
subsection. All such revenues shall be used exclusively to defray the costs
associated with conducting elections as required of county clerks by the
provisions of section 34-1401, Idaho Code.

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

(10) Eleven and five-tenths percent (11.5%) is continuously appro-
priated and shall be distributed to the revenue-sharing account, which is
hereby created in the state treasury, and the moneys in the revenue-sharing
account will be paid in installments each calendar quarter by the state tax
commission as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the
various cities as follows:

(i) Fifty percent (50%) of such amount shall be paid to the vari-
ous cities, and each city shall be entitled to an amount in the pro-
portion that the population of that city bears to the population of
all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the vari-
ous cities, and each city shall be entitled to an amount in the pro-
portion that the preceding year's market value for assessment pur-
poses for that city bears to the preceding year's market value for
assessment purposes for all cities within the state.

(b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the
various counties as follows:

(i) One million three hundred twenty thousand dollars
($1,320,000) annually shall be distributed one forty-fourth
(1/44) to each of the various counties; and
(ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;

(c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to the cities and counties as follows:

(i) Each city and county which that received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999 shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10)(c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10)(c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

(iv) If the dollar amount of money available under this subsection (10)(c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state and fifty percent (50%) to the various counties in the proportion that the population of the county bears to the population of the state; and

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

(i) Each such district which that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999 shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10)(d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10)(d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10)(d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered
forgone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

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

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (10)(d).

(vii) For purposes of this subsection (10)(d), a special purpose taxing district is any taxing district that is not a city, a county or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt
from taxation pursuant to section 63-602EE, Idaho Code, provided that the
result of these calculations shall not be less than zero (0). The result of
these school district calculations shall be further increased by six per-
cent (6%). For purposes of the limitation provided by section 63-802, Idaho
Code, moneys received pursuant to this section as property tax replacement
for property exempt from taxation pursuant to section 63-602EE, Idaho Code,
shall be treated as property tax revenues.

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

(13) Amounts calculated in accordance with subsection (4) of section
63-602KK, Idaho Code, for annual distribution to counties and other taxing
districts for replacement of property tax on personal property tax exemp-
tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which
amounts are continuously appropriated unless the legislature enacts a dif-
f erent appropriation for a particular fiscal year. For purposes of the
limitation provided by section 63-802, Idaho Code, moneys received pursuant
to this section as property tax replacement for property exempt from taxa-
tion pursuant to section 63-602KK, Idaho Code, shall be treated as property
tax revenues. If taxing districts are consolidated, the resulting district
is entitled to an amount equal to the sum of the amounts that were received in
the last calendar year by each district pursuant to this subsection prior to
the consolidation. If a taxing district or revenue allocation area annexes
territory, the distribution of moneys received pursuant to this subsection
shall be unaffected. Taxing districts and revenue allocation areas formed
after January 1, 2013, are not entitled to a payment under the provisions of
this subsection.

(14) Amounts collected from purchasers and paid to the state of Idaho by
retailers that are not engaged in business in this state and which retailer
would not have been required to collect the sales tax, less amounts other-
wise distributed in subsections (1) and (10) of this section, shall be dis-
tributed to the tax relief fund created in section 57-811, Idaho Code. The
state tax commission will determine the amounts to be distributed under this
subsection.

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

(16) Two percent (2%) , but not less than fifteen million dollars
($15,000,000), is continuously appropriated and shall be distributed to the
transportation expansion and congestion mitigation fund established in sec-
tion 40-720, Idaho Code. The distribution provided for in this subsection
must immediately follow the distribution provided for in subsection (10) of
this section.