

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-708, IDAHO CODE, TO
2 PROVIDE A POLICY FOR CERTAIN FUNDING OF LOCAL BRIDGES AND HIGHWAYS AND
3 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING
4 AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 40-708, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 40-708. POLICY OF LEGISLATURE ON EXPENDITURES. (1) It is the declared
10 policy of the legislature that, except as otherwise provided, all highway-
11 user revenues accruing to the state highway account be spent exclusively for
12 the maintenance, construction and development of highways and bridges in the
13 state highway system. By mutual cooperative written agreements, or in the
14 event of emergencies or other unusual circumstances where the financial or
15 general welfare of the people is concerned, two (2) or more units of govern-
16 ment may, upon a showing of cause declared and entered upon the minutes of an
17 official meeting of the board, the boards of county, highway district com-
18 missioners or the governing body of any cities involved, as the case may be,
19 share jointly the costs of the maintenance, construction or development of
20 highways and bridges in any state, county, district or city system.

21 (2) It is further the declared policy of the legislature that, except
22 as otherwise provided, all highway-user revenues accruing to the state high-
23 way account and all ad valorem levies accruing pursuant to chapter 8, ti-
24 tle 40, Idaho Code, shall be spent in support of the operations, adminis-
25 tration, maintenance, construction, and development of bridges and high-
26 ways that benefit primarily motor vehicles in the local highway jurisdic-
27 tion. All moneys apportioned to the board, counties or highway districts,
28 and cities from the proceeds from the imposition of tax on fuels and from any
29 tax or fee for the registration or operation of motor vehicles for general
30 highway construction and maintenance, bridge and culvert moneys, shall be
31 accounted for as to the actual expenditure to the state controller, as ded-
32 icated funds by a certification of the governing unit receiving, budgeting
33 and expending those dedicated funds. The certification shall list the ac-
34 tual funds received for the budgetary period in each category of dedicated
35 funds and the actual expenditure of the used dedicated funds. Any balance
36 of dedicated funds unexpended must be shown and accounted for as a beginning
37 balance in the next regular budget. The certification shall be prepared by
38 the director, county auditor or highway district treasurer or city clerk,
39 and shall be signed by the elected county or highway district commissioners,
40 mayor, council, or board members of the respective reporting governmental
41 unit. The certification shall be made by ~~the 31st of December~~ 31 of each year
42 for the preceding fiscal budget year, and shall be published once as a legal

1 notice between January ~~1st and the 15th of~~ 1 and January 15. Failure to make
2 certification, failure to publish or the making of false statements in the
3 certification shall subject the person so doing to the penalties prescribed
4 in section 40-207, Idaho Code, or be used as the grounds for removal from of-
5 fice of the offending officials. The state controller is empowered to with-
6 hold the distribution of funds for noncompliance with the provisions of this
7 section, but upon compliance shall authorize the distribution to be made.

8 (3) Moneys remaining unexpended in dedicated funds shall not be bud-
9 geted ~~and~~ or expended for uses other than the limits of the dedicated fund.

10 (4) Highway districts may accumulate fund balances at the end of a fis-
11 cal year and carry over those fund balances into the ensuing fiscal year suf-
12 ficient to achieve or maintain highway district operations on a cash basis.
13 A fund balance is the excess of the assets of a fund over its liabilities and
14 reserves.

15 SECTION 2. An emergency existing therefor, which emergency is hereby
16 declared to exist, this act shall be in full force and effect on and after
17 July 1, 2023.