

IN THE SENATE

SENATE BILL NO. 1130

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO BOND BANK AUTHORITY; AMENDING SECTION 67-8716, IDAHO
2 CODE, TO CREATE THE BOND BANK AUTHORITY IN THE STATE TREASURY, TO PRO-
3 VIDE FOR DEPOSIT OF INTEREST IN THE FUND, TO REVISE PROCEDURES RELATING
4 TO UTILIZATION OF THE SALES TAX PLEDGE AND TO CHANGE THE AUTHORIZATION
5 TO RELEASE FUNDS TO THE STATE CONTROLLER.
6

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

8 SECTION 1. That Section 67-8716, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-8716. UNLIMITED SALES TAX ACCOUNT RECEIPTS PLEDGE. (1) The bond
11 bank authority fund is hereby statutorily created in the state treasury.
12 Moneys in the fund shall be used only as provided in this chapter. Earnings
13 of the bond bank authority shall be deposited into the general fund as de-
14 fined in section 67-1205, Idaho Code.

15 (2) If sufficient moneys are not available to pay debt service on the
16 bonds of the authority, except for bonds the authority has specifically des-
17 ignated not to receive payment from the sales tax, as of five (5) days prior
18 to the scheduled payment date of such bonds, the state treasurer shall give
19 notice to the state ~~tax commission controller~~, certifying the amount of the
20 deficiency, at least five (5) days prior to the scheduled payment date. Af-
21 ter receipt of the certified notice from the state treasurer pursuant to this
22 subsection (~~1~~2), the state ~~tax commission controller~~ shall:

23 ~~(a) Immediately fix the amount necessary and in the amount of the defi-~~
24 ~~ciency stated in the notice; and~~

25 ~~(b) Cause moneys representing state sales tax moneys subject to dis-~~
26 ~~tribution under section 63-3638, Idaho Code, receipts in the amount of~~
27 ~~the deficiency certified by the state treasurer to be transferred from~~
28 ~~the state sales tax account general fund as defined in section 67-1205,~~
29 ~~Idaho Code, and deposited in the bond bank authority fund, which is~~
30 ~~hereby statutorily created in the state treasury; provided however,~~
31 ~~that in no event shall a transfer of moneys representing state sales tax~~
32 ~~receipts from the state sales tax account general fund under the provi-~~
33 ~~sions of this chapter impede or otherwise affect the payment of sales~~
34 ~~tax moneys pledged for the payment on other state bonds outstanding on~~
35 ~~the effective date of this act or subsequently issued as tax anticipa-~~
36 ~~tion notes pursuant to section 63-3202, Idaho Code.~~

37 (23) Moneys transferred from the ~~state sales tax account general fund~~
38 to the bond bank authority fund pursuant to subsection (~~1~~2) of this section
39 shall be deposited in the reserve fund as replacement moneys for amounts
40 withdrawn from the reserve fund to pay debt service on the bonds pursuant
41 to section 67-8725, Idaho Code, to the extent such moneys are derived from
42 amounts appropriated to the reserve fund by the legislature, or shall be

1 used to pay debt service when due on bonds for which other moneys available
2 pursuant to section 67-8727, Idaho Code, are insufficient.

3 (34) The state of Idaho pledges to and agrees with the holders of any
4 bonds that the state will not alter, impair or limit the rights vested by the
5 sales tax account pledge provided in this section and in section 63-3638,
6 Idaho Code, with respect to the bonds until the bonds, together with appli-
7 cable interest, are fully paid and discharged.

8 (45) To the extent that other legally available revenues and funds of
9 the state are sufficient to meet the certified deficiency, the state tax
10 commission shall transfer of moneys from the sales tax account in section
11 63-3638, Idaho Code, is abated.