

IN THE SENATE

SENATE BILL NO. 1302

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO TAXATION; AMENDING SECTION 33-802, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING SCHOOL LEVIES; AMENDING CHAPTER 8, TITLE 57, IDAHO
3 CODE, BY THE ADDITION OF A NEW SECTION 57-810, IDAHO CODE, TO ESTABLISH
4 THE TAX AND LEVY REDUCTION FUND; AMENDING SECTION 57-811, IDAHO CODE,
5 TO REVISE DISTRIBUTIONS FROM THE TAX RELIEF FUND; AMENDING SECTION
6 63-3620F, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION
7 OF CERTAIN SALES TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE
8 THE SALES TAX REVENUE DISTRIBUTION FORMULA; AND DECLARING AN EMERGENCY,
9 PROVIDING RETROACTIVE APPLICATION, AND PROVIDING AN EFFECTIVE DATE.
10

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

12 SECTION 1. That Section 33-802, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 33-802. SCHOOL LEVIES. Any tax levied for school purposes shall be a
15 lien on the property against which the tax is levied. The board of trustees
16 shall determine the levies upon each dollar of taxable property in the dis-
17 trict for the ensuing fiscal year as follows:

18 (1) Bond, Interest, and Judgment Obligation Levies. Such levies as
19 shall be required to satisfy all maturing bond, bond interest, and judgment
20 obligations.

21 (2) Budget Stabilization Levies. Subject to the limitations of subsec-
22 tion (7) of this section, sSchool districts not receiving state equaliza-
23 tion funds in fiscal year 2006 may authorize a budget stabilization levy for
24 calendar year 2006 and each year thereafter. Such levies shall not exceed
25 the difference between the amount of equalized funds that the state depart-
26 ment of education estimates the school district will receive in fiscal year
27 2007, based on the school district's fiscal year 2006 reporting data, and
28 the combined amount of money the school district would have received from its
29 maintenance and operation levy and state property tax replacement funds in
30 fiscal year 2007 under the laws of the state of Idaho as they existed prior
31 to amendment by the first extraordinary session of the fifty-eighth Idaho
32 legislature. The state department of education shall notify the state tax
33 commission and affected counties and school districts of the maximum levy
34 amounts permitted, by no later than September 1, 2006.

35 (3) Supplemental Maintenance and Operation Levies. No Subject to the
36 limitations of subsection (7) of this section, no levy in excess of the levy
37 permitted by this section shall be made by a noncharter district unless such
38 a supplemental levy in a specified amount and for a specified time not to
39 exceed two (2) years be first authorized through an election held subject
40 to the provisions of section 34-106, Idaho Code, and pursuant to title 34,
41 Idaho Code, and approved by a majority of the district electors voting in

1 such election. A levy approved pursuant to this subsection may be reduced by
2 a majority vote of the board of trustees in the second year.

3 (4) Charter District Supplemental Maintenance and Operation. Subject
4 to the limitations of subsection (7) of this section, levies pursuant to the
5 respective charter of any such charter district shall be first authorized
6 through an election held subject to the provisions of section 34-106, Idaho
7 Code, and pursuant to title 34, Idaho Code, and approved by a majority of the
8 district electors voting in such election.

9 (5) The board of trustees of any school district that has, for at least
10 seven (7) consecutive years, been authorized through an election held to
11 certify a supplemental levy that has annually been equal to or greater than
12 twenty percent (20%) of the total general maintenance and operation fund,
13 may submit the question of an indefinite term supplemental levy to the elec-
14 tors of the school district. Such question shall clearly state the dollar
15 amount that will be certified annually and that the levy will be for an in-
16 definite number of years. The question must be approved by a majority of the
17 district electors voting on the question in an election held subject to the
18 provisions of section 34-106, Idaho Code, and pursuant to title 34, Idaho
19 Code. The levy approved pursuant to this subsection may be reduced by a ma-
20 jority vote of the board of trustees during any fiscal year. No new levies
21 may be authorized under this subsection on and after January 1, 2022.

22 (6) A charter district may levy for maintenance and operations if such
23 authority is contained within its charter. In the event property within a
24 charter district's boundaries is contained in a revenue allocation area es-
25 tablished under chapter 29, title 50, Idaho Code, and such revenue alloca-
26 tion area has given notice of termination thereunder, then, only for the pur-
27 pose of determining the levy described in this subsection, the district may
28 add the increment value, as defined in section 50-2903, Idaho Code, to the
29 actual or adjusted market value for assessment purposes of the district as
30 such value existed on December 31 of the previous year.

31 (7) On and after January 1, 2022, every public school district shall be
32 capped as to its budget stabilization levy or supplemental maintenance and
33 operation levy authority at the amount of its existing levy, if any, in ef-
34 fect on January 1, 2022, less any amount the school district receives from
35 the tax and levy reduction fund established in section 57-810, Idaho Code.
36 At such time that the funds received from the tax and levy reduction fund
37 equal or exceed the revenue received from the school's total budget stabi-
38 lization levy or supplemental levy as of January 1, 2022, the school district
39 shall have no authority to request a budget stabilization levy or supplemen-
40 tal levy at any time thereafter. Further, should the electors of a school
41 district fail to approve a budget stabilization levy or supplemental levy at
42 elections held in two (2) consecutive years after January 1, 2022, the school
43 district shall no longer have authority to request any such levy in the fu-
44 ture. The provisions of this subsection do not apply to bond, interest, and
45 judgment obligation levies under subsection (1) of this section.

46 (8) Moneys distributed to a school district from the tax and levy reduc-
47 tion fund established in section 57-810, Idaho Code, shall be applied by the
48 school district to the reduction and elimination of the following levies in
49 order of priority:

- 1 (a) Supplemental maintenance and operation levies under subsection (3)
 2 of this section and indefinite term supplemental levies under subsec-
 3 tion (5) of this section;
 4 (b) Budget stabilization levies under subsection (2) of this section;
 5 and
 6 (c) Charter district supplemental maintenance and operation levies un-
 7 der subsection (4) of this section.

8 SECTION 2. That Chapter 8, Title 57, Idaho Code, be, and the same is
 9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 10 ignated as Section 57-810, Idaho Code, and to read as follows:

11 57-810. TAX AND LEVY REDUCTION FUND. There is hereby created in the
 12 state treasury the tax and levy reduction fund, to which shall be transferred
 13 eight and thirty-three-hundredths percent (8.33%) of all sales and use tax
 14 revenue pursuant to section 63-3638(17), Idaho Code, beginning on and after
 15 July 1, 2022. Such moneys shall be distributed to a separate dedicated ac-
 16 count in the public school income fund and, subject to appropriation, shall
 17 be distributed annually to school districts, excluding virtual schools and
 18 charter schools without levy authority, based upon each district's student
 19 average daily attendance.
 20

21 SECTION 3. That Section 57-811, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 57-811. TAX RELIEF FUND. (1) There is hereby created in the state trea-
 24 sury the tax relief fund to which shall be credited all moneys remitted from
 25 sections ~~63-3620F~~ and 63-3638, Idaho Code, from federal grants, donations,
 26 or any other source. Moneys in the fund are intended to fund future tax re-
 27 lief statutes enacted by the legislature and may be expended pursuant to ap-
 28 propriation. All interest earned on the investment of idle moneys in the
 29 fund shall be returned to the fund.

30 (2) On July 15, 2021, the state controller shall transfer one hundred
 31 eighty million dollars (\$180,000,000) from the tax relief fund to the 2021
 32 Idaho tax rebate fund.

33 (3) For fiscal year 2022 ~~and each fiscal year thereafter~~, the state con-
 34 troller shall transfer one hundred ten million dollars (\$110,000,000) from
 35 the tax relief fund to the general fund.

36 SECTION 4. That Section 63-3620F, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 63-3620F. DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITA-
 39 TORS AND OUT-OF-STATE RETAILERS. (1) State sales and use taxes collected
 40 by retailers without a physical presence in Idaho, as described in section
 41 63-3611(3)(h), Idaho Code, and state sales and use taxes collected on trans-
 42 actions facilitated for third-party sellers by marketplace facilitators, as
 43 described in section 63-3605E, Idaho Code, shall be distributed as provided
 44 in this section.

1 (2) From June 1, 2019, through June 30, 2024~~2~~, all state sales and use
 2 taxes described in subsection (1) of this section shall be distributed by the
 3 state tax commission as follows:

4 (a) An amount of money shall be distributed to the state refund account
 5 sufficient to pay current refund claims under this section. All refunds
 6 authorized for payment by the state tax commission shall be paid through
 7 the state refund account and those moneys are continuously appropri-
 8 ated; and

9 (b) All remaining funds received pursuant to this section shall be
 10 distributed to the tax relief fund established in section 57-811, Idaho
 11 Code.

12 (3) On and after July 1, 2024~~2~~, all state sales and use taxes described
 13 in subsection (1) of this section shall be distributed by the state tax com-
 14 mission as follows:

15 ~~(a) An amount of money shall be distributed to the state refund account~~
 16 ~~sufficient to pay current refund claims under this section. All refunds~~
 17 ~~authorized for payment by the state tax commission shall be paid through~~
 18 ~~the state refund account, and those moneys are continuously appropri-~~
 19 ~~ated; and~~

20 ~~(b) The remaining funds shall be distributed through the distribution~~
 21 ~~formula set forth for other sales and use tax revenue in pursuant to sec-~~
 22 ~~tion 63-3638, Idaho Code, except that the remainder after distribution~~
 23 ~~shall not be paid to the general fund pursuant to section 63-3638(15),~~
 24 ~~Idaho Code, but shall instead be paid to the tax relief fund established~~
 25 ~~in section 57-811, Idaho Code.~~

26 (4) Marketplace facilitators must obtain a separate seller's permit
 27 and collect and remit under that separate permit for state sales and use
 28 taxes collected on transactions facilitated for third-party sellers.

29 SECTION 5. That Section 63-3638, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
 32 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,
 33 and 63-3709, Idaho Code, ~~and except as provided in subsection (16) of this~~
 34 ~~section~~, shall be distributed by the state tax commission as follows:

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

39 (2) Five million dollars (\$5,000,000) per year is continuously appro-
 40 priated and shall be distributed to the permanent building fund, provided by
 41 section 57-1108, Idaho Code.

42 (3) Four million eight hundred thousand dollars (\$4,800,000) per year
 43 is continuously appropriated and shall be distributed to the water pollution
 44 control fund established by section 39-3628, Idaho Code.

45 (4) An amount equal to the sum required to be certified by the chair-
 46 man of the Idaho housing and finance association to the state tax commis-
 47 sion pursuant to section 67-6211, Idaho Code, in each year is continuously
 48 appropriated and shall be paid to any capital reserve fund established by
 49 the Idaho housing and finance association pursuant to section 67-6211, Idaho

1 Code. Such amounts, if any, as may be appropriated hereunder to the capital
2 reserve fund of the Idaho housing and finance association shall be repaid for
3 distribution under the provisions of this section, subject to the provisions
4 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-
5 tion, as soon as possible, from any moneys available therefor and in excess
6 of the amounts the association determines will keep it self-supporting.

7 (5) An amount equal to the sum required by the provisions of sections
8 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
9 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
10 paid as provided by sections 63-709 and 63-717, Idaho Code.

11 (6) An amount required by the provisions of chapter 53, title 33, Idaho
12 Code.

13 (7) An amount required by the provisions of chapter 87, title 67, Idaho
14 Code.

15 (8) For fiscal year 2011 and each fiscal year thereafter, four million
16 one hundred thousand dollars (\$4,100,000), of which two million two hundred
17 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four
18 (44) counties in equal amounts and one million nine hundred thousand dol-
19 lars (\$1,900,000) shall be distributed to the forty-four (44) counties in
20 the proportion that the population of the county bears to the population of
21 the state. For fiscal year 2012 and for each fiscal year thereafter, the
22 amount distributed pursuant to this subsection shall be adjusted annually
23 by the state tax commission in accordance with the consumer price index for
24 all urban consumers (CPI-U) as published by the U.S. department of labor,
25 bureau of labor statistics, but in no fiscal year shall the total amount
26 allocated for counties under this subsection be less than four million one
27 hundred thousand dollars (\$4,100,000). Any increase resulting from the ad-
28 justment required in this section shall be distributed to each county in the
29 proportion that the population of the county bears to the population of the
30 state. Each county shall establish a special election fund to which shall
31 be deposited all revenues received from the distribution pursuant to this
32 subsection. All such revenues shall be used exclusively to defray the costs
33 associated with conducting elections as required of county clerks by the
34 provisions of section 34-1401, Idaho Code.

35 (9) One dollar (\$1.00) on each application for certificate of title
36 or initial application for registration of a motor vehicle, snowmobile,
37 all-terrain vehicle or other vehicle processed by the county assessor or the
38 Idaho transportation department, excepting those applications in which any
39 sales or use taxes due have been previously collected by a retailer, shall be
40 a fee for the services of the assessor of the county or the Idaho transporta-
41 tion department in collecting such taxes and shall be paid into the current
42 expense fund of the county or state highway account established in section
43 40-702, Idaho Code.

44 (10) Eleven and five-tenths percent (11.5%) is continuously appro-
45 priated and shall be distributed to the revenue-sharing account, which is
46 hereby created in the state treasury, and the moneys in the revenue-sharing
47 account will be paid in installments each calendar quarter by the state tax
48 commission on and after July 1, 2020, as follows:

49 (a) Forty-five and two-tenths percent (45.2%) shall be paid to the var-
50 ious cities as follows:

1 (i) The revenue-sharing amount calculated by the state tax com-
2 mission for the various cities for each quarter of fiscal year 2020
3 shall be the base amount for current quarterly revenue distribu-
4 tion amounts. The state tax commission shall calculate the per
5 capita distribution for each city resulting from the previous fis-
6 cal year's distributions.

7 (ii) If there is no change in the amount of the revenue-sharing
8 account from the same quarter of the previous fiscal year, then the
9 various cities shall receive the same amount received for the same
10 quarter of the previous fiscal year.

11 (iii) If the balance of the revenue-sharing account for the cur-
12 rent quarter is greater than the balance of the revenue-sharing
13 account for the same quarter of the previous fiscal year, then:

14 1. If the distributions made to the cities during the same
15 quarter of the previous fiscal year were below the base
16 amount established in fiscal year 2020, then the various
17 cities shall first receive a proportional increase up to the
18 base amount for each city and up to a one percent (1%) in-
19 crease over such base amount. Any remaining moneys shall be
20 distributed to cities with a below-average per capita dis-
21 tribution in the proportion that the population of that city
22 bears to the population of all cities with below-average per
23 capita distributions within the state.

24 2. If the distributions made to the cities during the same
25 quarter of the previous fiscal year were at or above the
26 base amount established in fiscal year 2020, then the cities
27 shall receive the same distribution they received during the
28 same quarter of the previous fiscal year plus a proportional
29 increase up to one percent (1%). Any remaining moneys shall
30 be distributed to the cities with a below-average per capita
31 distribution in the proportion that the population of that
32 city bears to the population of all cities with a below-aver-
33 age per capita distribution within the state.

34 (iv) If the balance of the revenue-sharing account for the cur-
35 rent quarter is less than the balance of the revenue-sharing ac-
36 count for the same quarter of the previous fiscal year, then the
37 cities shall first receive a proportional reduction down to the
38 base amount established in fiscal year 2020. If further reduc-
39 tions are necessary, the cities shall receive reductions based on
40 the proportion that each city's population bears to the population
41 of all cities within the state.

42 (b) Forty-seven and one-tenth percent (47.1%) shall be paid to the var-
43 ious counties as follows:

44 (i) Fifty-nine and eight-tenths percent (59.8%) of the amount to
45 be distributed under this paragraph (b) of this subsection shall
46 be distributed as follows:

47 1. One million three hundred twenty thousand dollars
48 (\$1,320,000) annually shall be distributed one forty-fourth
49 (1/44) to each of the various counties; and

1 2. The balance of such amount shall be paid to the various
2 counties, and each county shall be entitled to an amount in
3 the proportion that the population of that county bears to
4 the population of the state; and

5 (ii) Forty and two-tenths percent (40.2%) of the amount to be dis-
6 tributed under this paragraph (b) of this subsection shall be dis-
7 tributed as follows:

8 1. Each county that received a payment under the provisions
9 of section 63-3638(e), Idaho Code, as that subsection ex-
10 isted immediately prior to July 1, 2000, during the fourth
11 quarter of calendar year 1999, shall be entitled to a like
12 amount during succeeding calendar quarters.

13 2. If the dollar amount of money available under this sub-
14 section (10) (b) (ii) in any quarter does not equal the amount
15 paid in the fourth quarter of calendar year 1999, each
16 county's payment shall be reduced proportionately.

17 3. If the dollar amount of money available under this sub-
18 section (10) (b) (ii) in any quarter exceeds the amount paid
19 in the fourth quarter of calendar year 1999, each county
20 shall be entitled to a proportionately increased payment,
21 but such increase shall not exceed one hundred five percent
22 (105%) of the total payment made in the fourth quarter of
23 calendar year 1999.

24 4. If the dollar amount of money available under this sub-
25 section (10) (b) (ii) in any quarter exceeds one hundred five
26 percent (105%) of the total payment made in the fourth quar-
27 ter of calendar year 1999, any amount over and above such
28 one hundred five percent (105%) shall be paid to the various
29 counties in the proportion that the population of the county
30 bears to the population of the state; and

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

34 (i) Each such district that received a payment under the provi-
35 sions of section 63-3638(e), Idaho Code, as such subsection ex-
36 isted immediately prior to July 1, 2000, during the fourth quarter
37 of calendar year 1999, shall be entitled to a like amount during
38 succeeding calendar quarters.

39 (ii) If the dollar amount of money available under this subsec-
40 tion (10) (c) in any quarter does not equal the amount paid in the
41 fourth quarter of calendar year 1999, each special purpose taxing
42 district's payment shall be reduced proportionately.

43 (iii) If the dollar amount of money available under this subsec-
44 tion (10) (c) in any quarter exceeds the amount distributed under
45 paragraph (c) (i) of this subsection, each special purpose tax-
46 ing district shall be entitled to a share of the excess based on
47 the proportion each such district's current property tax budget
48 bears to the sum of the current property tax budgets of all such
49 districts in the state. The state tax commission shall calculate
50 district current property tax budgets to include any unrecovered

1 forgone amounts as determined under section 63-802(1) (e), Idaho
2 Code. When a special purpose taxing district is situated in more
3 than one (1) county, the state tax commission shall determine the
4 portion attributable to the special purpose taxing district from
5 each county in which it is situated.

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

10 (v) If a special purpose taxing district is dissolved or disin-
11 corporated, the state tax commission shall continuously distrib-
12 ute to the board of county commissioners an amount equal to the
13 last quarter's distribution prior to dissolution or disincorpora-
14 tion. The board of county commissioners shall determine any re-
15 distribution of moneys so received.

16 (vi) Taxing districts formed after January 1, 2001, are not en-
17 titled to a payment under the provisions of this paragraph (c) of
18 this subsection.

19 (vii) For purposes of this paragraph (c) of this subsection, a spe-
20 cial purpose taxing district is any taxing district that is not a
21 city, a county, or a school district.

22 (11) Amounts calculated in accordance with section 2, chapter 356, laws
23 of 2001, for annual distribution to counties and other taxing districts be-
24 ginning in October 2001 for replacement of property tax on farm machinery and
25 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool
26 districts, the state tax commission shall distribute one-fourth (1/4) of
27 this amount certified quarterly to each county. For school districts, the
28 state tax commission shall distribute one-fourth (1/4) of the amount certi-
29 fied quarterly to each school district. For nonschool districts, the county
30 auditor shall distribute to each district within thirty (30) calendar days
31 from receipt of moneys from the state tax commission. Moneys received by
32 each taxing district for replacement shall be utilized in the same manner
33 and in the same proportions as revenues from property taxation. The moneys
34 remitted to the county treasurer for replacement of property exempt from
35 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the
36 counties and other taxing districts and budgeted at the same time, in the
37 same manner and in the same year as revenues from taxation on personal prop-
38 erty which these moneys replace. If taxing districts are consolidated, the
39 resulting district is entitled to an amount equal to the sum of the amounts
40 received in the last calendar quarter by each district pursuant to this
41 subsection prior to the consolidation. If a taxing district is dissolved
42 or disincorporated, the state tax commission shall continuously distribute
43 to the board of county commissioners an amount equal to the last quarter's
44 distribution prior to dissolution or disincorporation. The board of county
45 commissioners shall determine any redistribution of moneys so received. If
46 a taxing district annexes territory, the distribution of moneys received
47 pursuant to this subsection shall be unaffected. Taxing districts formed
48 after January 1, 2001, are not entitled to a payment under the provisions
49 of this subsection. School districts shall receive an amount determined by
50 multiplying the sum of the year 2000 school district levy minus .004 times

1 the market value on December 31, 2000, in the district of the property exempt
2 from taxation pursuant to section 63-602EE, Idaho Code, provided that the
3 result of these calculations shall not be less than zero (0). The result of
4 these school district calculations shall be further increased by six per-
5 cent (6%). For purposes of the limitation provided by section 63-802, Idaho
6 Code, moneys received pursuant to this section as property tax replacement
7 for property exempt from taxation pursuant to section 63-602EE, Idaho Code,
8 shall be treated as property tax revenues.

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

12 (13) Amounts calculated in accordance with section 63-602KK(4), Idaho
13 Code, for annual distribution to counties and other taxing districts for
14 replacement of property tax on personal property tax exemptions pursuant
15 to section 63-602KK(2), Idaho Code, which amounts are continuously ap-
16 propriated unless the legislature enacts a different appropriation for a
17 particular fiscal year. For purposes of the limitation provided by section
18 63-802, Idaho Code, moneys received pursuant to this section as property tax
19 replacement for property exempt from taxation pursuant to section 63-602KK,
20 Idaho Code, shall be treated as property tax revenues. If taxing districts
21 are consolidated, the resulting district is entitled to an amount equal to
22 the sum of the amounts that were received in the last calendar year by each
23 district pursuant to this subsection prior to the consolidation. If a taxing
24 district or revenue allocation area annexes territory, the distribution of
25 moneys received pursuant to this subsection shall be unaffected. Taxing
26 districts and revenue allocation areas formed after January 1, 2022, are not
27 entitled to a payment under the provisions of this subsection.

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

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

38 (16) (a) Four and five-tenths percent (4.5%), but not less than eighty
39 million dollars (\$80,000,000), is continuously appropriated and shall
40 be distributed to the transportation expansion and congestion mitiga-
41 tion fund established in section 40-720, Idaho Code.

42 (b) Any portion of the four and five-tenths percent (4.5%) provided for
43 in paragraph (a) of this subsection that exceeds eighty million dollars
44 (\$80,000,000) is continuously appropriated and shall be apportioned
45 to local units of government for local highway projects in the same
46 percentages provided for in section 40-709(1) through (3), Idaho Code.
47 Local units of government may pool funds allocated to them pursuant to
48 this paragraph for local highway projects.

1 (c) The distribution provided for in this subsection must immediately
2 follow the distribution provided for in subsection (10) of this sec-
3 tion.

4 (17) Eight and thirty-three-hundredths percent (8.33%) of all sales
5 and use tax revenues collected under this chapter, before any other deduc-
6 tions set forth in subsections (2) through (16) of this section are made,
7 shall be transferred to the tax and levy reduction fund established in sec-
8 tion 57-810, Idaho Code.

9 SECTION 6. An emergency existing therefor, which emergency is hereby
10 declared to exist, Section 1 of this act shall be in full force and effect on
11 and after its passage and approval, and retroactively to January 1, 2022; and
12 Sections 2, 3, 4, and 5 of this act shall be in full force and effect on and
13 after July 1, 2022.