

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 79

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO PROPERTY TAX RELIEF; PROVIDING LEGISLATIVE FINDINGS AND LEG-  
2 ISLATIVE INTENT; AMENDING SECTION 33-903, IDAHO CODE, TO PROVIDE FOR  
3 THE TRANSFER OF MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE SCHOOL  
4 DISTRICT FACILITIES FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY  
5 THE ADDITION OF A NEW SECTION 33-911, IDAHO CODE, TO ESTABLISH PROVI-  
6 SIONS REGARDING THE SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION  
7 34-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING DATES ON WHICH  
8 SCHOOL LEVY AND BOND ELECTIONS MAY BE HELD; REPEALING SECTION 62, CHAP-  
9 TER 318, LAWS OF 2022, RELATING TO THE REPEAL OF THE TAX RELIEF FUND;  
10 AMENDING SECTION 63, CHAPTER 318, LAWS OF 2022, TO REMOVE AN EFFECTIVE  
11 DATE; AMENDING SECTION 57-811, IDAHO CODE, TO REVISE PROVISIONS RE-  
12 GARDING THE DISTRIBUTION OF MONEYS FROM THE TAX RELIEF FUND; AMENDING  
13 SECTION 57-827, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATE  
14 PUBLIC DEFENSE FUND; AMENDING SECTION 63-602G, IDAHO CODE, TO REVISE  
15 PROVISIONS REGARDING THE HOMEOWNER EXEMPTION AND TO MAKE TECHNICAL COR-  
16 RECTIONS; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS RE-  
17 GARDING ELIGIBILITY FOR THE PROPERTY TAX REDUCTION PROGRAM AND TO MAKE  
18 TECHNICAL CORRECTIONS; AMENDING SECTION 63-902, IDAHO CODE, TO PROVIDE  
19 A REQUIREMENT FOR PROPERTY TAX NOTICES; AMENDING SECTION 63-3024B,  
20 IDAHO CODE, TO PROVIDE FOR A TRANSFER FROM THE TAX REBATE FUND; AMENDING  
21 SECTION 63-3620F, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DIS-  
22 TRIBUTION OF CERTAIN SALES TAXES; AMENDING SECTION 63-3638, IDAHO CODE,  
23 TO PROVIDE FOR THE DISTRIBUTION OF SALES TAX REVENUES; PROVIDING FOR A  
24 CASH TRANSFER; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND  
25 PROVIDING EFFECTIVE DATES.  
26

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

28 SECTION 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT. It is the in-  
29 tent of the Legislature to meet the funding needs of schools and also to grant  
30 tax relief to the citizens of Idaho by reducing their property tax burdens.  
31 The Legislature finds that property taxes are being driven to a large ex-  
32 tent by supplemental levies and bonds for schools, and that enhanced funding  
33 for education at the state level can mitigate the need for reliance on local  
34 property taxpayers for school operations, maintenance, and facility costs  
35 and thereby also reduce the number of dates needed for holding school levy  
36 and bond elections.

37 SECTION 2. That Section 33-903, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 33-903. PUBLIC SCHOOL INCOME FUND. (1) The public school income fund  
40 is that fund in the treasury of the state of Idaho to which are credited the  
41 following:

1 (a) Moneys distributed from the public school earnings reserve fund and  
2 other sources the legislature deems appropriate;

3 (b) Proceeds of all state taxes levied for public school purposes;

4 (c) Grants of moneys from the federal government for public school pur-  
5 poses when other disposition is not specified by law;

6 (d) Ninety percent (90%) of any moneys received by any department of  
7 state government from the federal government from sales, royalties,  
8 bonuses or rentals of oil, gas or mineral lands;

9 (e) Legislative appropriations in support of the public schools, and  
10 other moneys required by the law of the federal government or of the  
11 state of Idaho to be made a part of and credited to the fund.

12 (2) Earnings on the investment of idle moneys in the public school in-  
13 come fund shall be paid to the public school income fund.

14 (3) Moneys in the public school income fund shall be used for the bene-  
15 fit of beneficiaries of the public school endowment and distributed to cur-  
16 rent beneficiaries of the public school endowment pursuant to legislative  
17 appropriation.

18 (4) Fifty million dollars (\$50,000,000) is continuously appropriated  
19 and shall be transferred each year from the public school income fund to the  
20 school district facilities fund established pursuant to section 33-911,  
21 Idaho Code.

22 SECTION 3. That Chapter 9, Title 33, Idaho Code, be, and the same is  
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
24 ignated as Section 33-911, Idaho Code, and to read as follows:

25 33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created  
26 in the state treasury a fund to be known as the school district facili-  
27 ties fund. The fund shall consist of moneys provided pursuant to sections  
28 33-903(4), 57-811(2), and 63-3638(15), Idaho Code, and any other legisla-  
29 tive transfers or appropriations. Interest earned from the investment of  
30 moneys in the fund shall be returned to the fund.

31 (2) The moneys in the fund shall be distributed by August 31 each year to  
32 each school district, as defined in section 33-1001(21), Idaho Code, for the  
33 purpose of construction, renovation, and maintenance of school facilities.  
34 Such moneys shall be used in place of property tax levy moneys and shall be  
35 expended by a school district in the order of priority provided in this sub-  
36 section:

37 (a) Payment of school bonds authorized pursuant to chapter 11, title  
38 33, Idaho Code;

39 (b) Payment of school levies authorized pursuant to chapter 8, title  
40 33, Idaho Code;

41 (c) Payment of expenses necessary to provide safe school facilities and  
42 address life, safety, and health issues; and

43 (d) Saved in a reserve account by the school district for future school  
44 facility construction, renovation, and deferred maintenance needs.

45 (3) The moneys in the fund shall be distributed to each school district  
46 on a per-pupil basis, using the average daily attendance calculation pro-  
47 vided in section 33-1003A, Idaho Code, except that a student attending less  
48 than half-time through a virtual learning program shall not be counted to-  
49 ward that school district's average daily attendance calculation.

1 (4) The amount of moneys expended by a school district pursuant to this  
2 section must be deducted from a school levy that would otherwise have been  
3 paid by property taxpayers. Such moneys may not be duplicated by the collec-  
4 tion of property tax, and no property taxes may be collected in order to make  
5 extra payments on expenses described in subsection (2) of this section in ex-  
6 cess of required amounts. At the time prescribed for certifying any levies  
7 to the board of county commissioners pursuant to section 33-807, Idaho Code,  
8 each school district shall certify the amount of moneys received by it pur-  
9 suant to this section and the amount of moneys thereby saved from being col-  
10 lected by a property tax levy. Such property tax savings shall be reported on  
11 each property tax notice pursuant to section 63-902, Idaho Code.

12 (5) Each school district shall report annually to the state department  
13 of education on the expenditure of moneys provided pursuant to this section.  
14 The state department of education shall present the reports to the legisla-  
15 ture each January.

16 SECTION 4. That Section 34-106, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
19 notwithstanding any other provisions of the law to the contrary, there shall  
20 be no more than two (2) elections conducted in any county in any calendar  
21 year, except as provided in this section or section ~~34-219~~ 34-220, Idaho  
22 Code, and except that elections to fill vacancies in the United States house  
23 of representatives shall be held as provided in the governor's proclamation.

24 (1) The dates on which elections may be conducted are:

25 (a) The third Tuesday in May of each year; and

26 (b) The Tuesday following the first Monday in November of each year.

27 (c) In addition to the elections specified in paragraphs (a) and (b) of  
28 this subsection ~~and subsection (7) of this section~~, an emergency elec-  
29 tion may be called upon motion of the governing board of a political sub-  
30 division. An emergency exists when there is a great public calamity,  
31 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
32 ter, or if it is necessary to do emergency work to prepare for a national  
33 or local defense, or it is necessary to do emergency work to safeguard  
34 life, health or property.

35 (d) In addition to the elections specified elsewhere in this section,  
36 a presidential primary shall be held on the second Tuesday in March in  
37 each presidential election year. Presidential primaries shall be held  
38 separately from other primary elections, which shall be held on the  
39 third Tuesday in May even in presidential election years.

40 (2) Candidates for office elected in May shall take office on the date  
41 specified in the certificate of election but not more than sixty (60) days  
42 following the election.

43 (3) Candidates for office elected in November shall take office as pro-  
44 vided in the constitution, or on January 1 next succeeding the November elec-  
45 tion.

46 (4) The governing board of each political subdivision subject to the  
47 provisions of this section, which, prior to January 1, 2011, conducted an  
48 election for members of that governing board on a date other than a date per-  
49 mitted in subsection (1) of this section, shall establish as the election

1 date for that political subdivision the date authorized in subsection (1) of  
2 this section which falls nearest the date on which elections were previously  
3 conducted, unless another date is established by law.

4 (5) The secretary of state is authorized to provide such assistance as  
5 necessary, and to prescribe any needed rules or interpretations for the con-  
6 duct of election authorized under the provisions of this section.

7 (6) Water districts governed by chapter 6, title 42, Idaho Code, are ex-  
8 empt from the provisions of this section.

9 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
10 and school districts are subject to the limitations specified in subsection  
11 (1) of this section, ~~except that school districts may also hold an election~~  
12 ~~on the second Tuesday in March of each year and on the last Tuesday in August~~  
13 ~~of each year on bonded indebtedness and property tax levy questions.~~

14 (8) A city initiative or referendum election shall be held on the Tues-  
15 day following the first Monday in November of odd-numbered years. A county  
16 initiative or referendum election or a bond, levy and any other ballot ques-  
17 tion elections conducted by any political subdivision shall be held on the  
18 nearest date authorized in subsection (1) of this section which falls more  
19 than sixty (60) days after the clerk of the political subdivision orders that  
20 such election shall be held in May or November of even-numbered years or more  
21 than fifty (50) days after the order for all other elections, unless other-  
22 wise provided by law. Ballot language for any question to be placed on the  
23 ballot shall be submitted to the county clerk at least sixty (60) days before  
24 an election held in May or November of even-numbered years and at least fifty  
25 (50) days before all other elections.

26 (9) Recall elections may be held on any of the ~~four (4)~~ two (2) dates  
27 authorized in subsections (1) ~~and (7)~~ of this section that fall more than  
28 forty-five (45) days after the clerk of the political subdivision orders  
29 that such election shall be held.

30 (10) Irrigation districts governed by title 43, Idaho Code, are subject  
31 to the limitations specified in subsection (1) of this section, except that  
32 irrigation districts may also hold an election on the first Tuesday in Febru-  
33 ary of each year and on the first Tuesday in August of each year on questions  
34 required to be voted upon by title 43, Idaho Code.

35 SECTION 5. That Section 62, Chapter 318, Laws of 2022, be, and the same  
36 is hereby repealed.

37 SECTION 6. That Section 63, Chapter 318, Laws of 2022, be, and the same  
38 is hereby amended to read as follows:

39 SECTION 63. An emergency existing therefor, which emergency is  
40 hereby declared to exist, Sections 5 through 38, 54, 59, and 61 of  
41 this act shall be in full force and effect on and after passage and  
42 approval; and Sections 1 through 4, 53, 55, 57, 58, and 60 shall  
43 be in full force and effect on and after July 1, 2022. Sections 39  
44 through 52 shall be in full force and effect on and after July 1,  
45 2023. ~~Section 62 shall be in full force and effect on and after July~~  
46 ~~2, 2024.~~ Section 56 shall be in full force and effect on and after  
47 October 1, 2024.

1 SECTION 7. That Section 57-811, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 57-811. TAX RELIEF FUND. (1) There is hereby created in the state trea-  
4 sury the tax relief fund to which shall be credited all moneys remitted from  
5 sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations,  
6 or any other source. Moneys in the fund are intended to fund future tax re-  
7 lief statutes enacted by the legislature and may be expended pursuant to ap-  
8 propriation. All interest earned on the investment of idle moneys in the  
9 fund shall be returned to the fund.

10 ~~(2) Immediately upon the passage of this act, the state controller~~  
11 ~~shall transfer ninety-four million dollars (\$94,000,000) from the tax re-~~  
12 ~~lief fund to the Idaho tax rebate fund.~~

13 ~~(3) For fiscal year 2022, the state controller shall transfer one hun-~~  
14 ~~dred ten million dollars (\$110,000,000) from the tax relief fund to the gen-~~  
15 ~~eral fund.~~

16 (2) Twenty percent (20%) of the moneys in the tax relief fund, before  
17 any other transfers authorized in this section, is hereby continuously ap-  
18 propriated and shall be distributed each fiscal year to the school district  
19 facilities fund established pursuant to section 33-911, Idaho Code.

20 ~~(4) (3) For fiscal year 2023 and each fiscal year thereafter, the~~  
21 ~~state controller shall transfer up to two hundred four million dollars~~  
22 ~~(\$204,000,000) from the tax relief fund to the general fund.~~

23 (4) In addition to any other transfers authorized under this section,  
24 for fiscal year 2024 and each fiscal year thereafter, the state controller  
25 shall transfer up to thirty-two million dollars (\$32,000,000) from the tax  
26 relief fund to the general fund.

27 ~~(4) (5) In addition to any other transfers authorized under this sec-~~  
28 ~~tion, for fiscal years 2023 and 2024 only, each fiscal year, the state con-~~  
29 ~~troller shall transfer up to thirty-four million dollars (\$34,000,000) from~~  
30 ~~the tax relief fund to the general state public defense fund established pur-~~  
31 ~~suant to section 57-827, Idaho Code.~~

32 ~~(5) On July 1, 2024, any remaining moneys in the tax relief fund shall be~~  
33 ~~distributed pursuant to the provisions of section 63-3638, Idaho Code.~~

34 SECTION 8. That Section 57-827, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 57-827. STATE PUBLIC DEFENSE FUND. (1) There is hereby established in  
37 the state treasury the state public defense fund to be managed by the state  
38 treasurer. Moneys in the fund shall consist of:

39 (a) Moneys transferred to the fund pursuant to section ~~63-3638(10)~~  
40 57-811, Idaho Code;

41 (b) Legislative appropriations to the fund;

42 (c) On and after October 1, 2024, any fees or reimbursement ordered pur-  
43 suant to section 19-854(7) and 19-858, Idaho Code, or distributed pur-  
44 suant to section 31-3201I(16), Idaho Code;

45 (d) Any bequests or donations to the fund; and

46 (e) Interest earned on idle moneys in the fund.

47 (2) Moneys in the fund shall be used as determined by legislative ap-  
48 propriation to fulfill the state's obligation to provide indigent public de-

1 fense pursuant to the sixth amendment of the United States constitution and  
2 section 13, article I of the constitution of the state of Idaho.

3 SECTION 9. That Section 63-602G, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 63-602G. PROPERTY EXEMPT FROM TAXATION -- ~~HOMESTEAD~~ HOMESTEAD HOMEOWNER. (1)  
6 For each tax year, the first ~~one hundred twenty-five thousand dollars~~  
7 ~~(\$125,000)~~ one hundred fifty thousand dollars (\$150,000) of the market value  
8 for assessment purposes of the homestead ~~as that term is defined in section~~  
9 ~~63-701, Idaho Code,~~ or fifty percent (50%) of the market value for assessment  
10 purposes of the homestead ~~as that term is defined in section 63-701, Idaho~~  
11 ~~Code,~~ whichever is the lesser, shall be exempt from property taxation.

12 (2) The exemption allowed by this section may be granted only if:

13 (a) The homestead is owner-occupied and used as the primary dwelling  
14 place of the owner. The homestead may consist of part of a multidwelling  
15 or multipurpose building and shall include all of such dwelling or  
16 building except any portion used exclusively for anything other than  
17 the primary dwelling of the owner. The presence of an office in a home-  
18 stead, which office is used for multiple purposes, including business  
19 and personal use, shall not prevent the owner from claiming the exemp-  
20 tion provided in this section; and

21 (b) The state tax commission has certified to the board of county com-  
22 missioners that all properties in the county subject to appraisal by the  
23 county assessor have, in fact, been appraised uniformly ~~so as~~ to secure  
24 a just valuation for all property within the county; and

25 (c) The owner has certified to the county assessor that:

26 (i) He is making application for the exemption allowed by this  
27 section;

28 (ii) The homestead is his primary dwelling place; and

29 (iii) He has not made application in any other county for the ex-  
30 emption and has not made application for the exemption on any other  
31 homestead in the county.

32 (d) For the purpose of this section, the definition of "owner" shall be  
33 the same definition set forth in section 63-701(7), Idaho Code. When  
34 an "owner," pursuant to the provisions of section 63-701(7), Idaho  
35 Code, is any person who is the beneficiary of a revocable or irrevoca-  
36 ble trust, or who is a partner of a limited partnership, a member of a  
37 limited liability company, or a shareholder of a corporation, he or she  
38 may provide proof of the trust, limited partnership, limited liability  
39 company, or corporation in the manner set forth in section 63-703(4),  
40 Idaho Code.

41 (e) Any owner may request in writing the return of all copies of any  
42 documents submitted with the affidavit set forth in section 63-703(4),  
43 Idaho Code, that are held by a county assessor, and the copies shall  
44 be returned by the county assessor upon submission of the affidavit in  
45 proper form.

46 (f) For the purpose of this section, the definition of "primary  
47 dwelling place" shall be the same definition set forth in section  
48 63-701(8), Idaho Code.

1 (g) For the purpose of this section, the definition of "occupied" shall  
2 be the same definition set forth in section 63-701(6), Idaho Code.

3 (h) For the purpose of this section, the definition of "homestead"  
4 shall be the same definition set forth in section 63-701, Idaho Code.

5 (3) An owner need ~~only~~ make application for the exemption described in  
6 subsection (1) of this section only once, as long as all of the following con-  
7 ditions are met:

8 (a) The owner has received the exemption during the previous year as  
9 a result of ~~his~~ making a valid application as set forth in subsection  
10 (2) (c) of this section.

11 (b) The owner or beneficiary, partner, member or shareholder, as appro-  
12 priate, still occupies the same homestead for which the owner made ap-  
13 plication.

14 (c) The homestead described in paragraph (b) of this subsection is  
15 owner-occupied or occupied by a beneficiary, partner, member or share-  
16 holder, as appropriate, and used as the primary dwelling place of the  
17 owner or beneficiary, partner, member or shareholder, as appropriate.

18 (4) The exemption allowed by this section shall be effective upon the  
19 date of the application and must be taken before the reduction in taxes pro-  
20 vided by sections 63-701 through 63-710, Idaho Code, is applied.

21 (5) Recovery of property tax exemptions allowed by this section but im-  
22 properly claimed or approved:

23 (a) (i) Prior to granting an exemption, the county assessor shall  
24 investigate whether an applicant for the exemption has claimed the  
25 exemption for another homestead and shall not grant the exemption  
26 where it appears the exemption has been improperly claimed. The  
27 applicant shall be notified of the county assessor's refusal to  
28 grant the exemption.

29 (ii) Upon discovery of evidence, facts, or circumstances indicat-  
30 ing any exemption allowed by this section was improperly claimed  
31 or approved, the county assessor shall decide whether the exemp-  
32 tion claimed should have been allowed and, if not, notify the tax-  
33 payer in writing, assess a recovery of property tax, and notify the  
34 county treasurer of this assessment. If the county assessor de-  
35 termined that an exemption was improperly approved as a result of  
36 county error, the county assessor shall present the discovered ev-  
37 idence, facts, or circumstances from the improperly approved ex-  
38 emption to the board of county commissioners, at which time the  
39 board may waive a recovery of the property tax, and notify such  
40 taxpayer in writing.

41 (b) Upon request by a county assessor conducting an investigation under  
42 paragraph (a) of this subsection, or when information indicating that  
43 an improper claim for the exemption allowed by this section is discov-  
44 ered by the state tax commission, the state tax commission shall dis-  
45 close relevant information to the appropriate county assessor, board  
46 of county commissioners, county clerk, and county treasurer and to the  
47 secretary of state. Information disclosed to county officials and the  
48 secretary of state by the state tax commission under this subsection:

49 (i) May be used to decide the validity of any entitlement to the  
50 exemption provided in this section;

1 (ii) Shall, as necessary, be used to determine a person's resi-  
2 dence for voting purposes under title 34, Idaho Code; and

3 (iii) Is not otherwise subject to public disclosure pursuant to  
4 chapter 1, title 74, Idaho Code.

5 (c) The assessment and collection of the recovery of property tax must  
6 begin within the seven (7) year period beginning the date the assessment  
7 notice reflecting the improperly claimed or approved exemption was re-  
8 quired to be mailed to the taxpayer.

9 (d) (i) An applicant for an exemption under this section may appeal  
10 to the county board of equalization the county assessor's refusal  
11 to grant an exemption pursuant to paragraph (a) of this subsection  
12 within thirty (30) days of the date the county assessor sent notice  
13 of the refusal.

14 (ii) The taxpayer may appeal to the county board of equalization  
15 the decision by the county assessor to assess the recovery of prop-  
16 erty tax within thirty (30) days of the date the county assessor  
17 sent the notice to the taxpayer pursuant to this section. The  
18 board may waive the collection of all or part of any costs, late  
19 charges, and interest in order to facilitate the collection of the  
20 recovery of the property tax.

21 (e) For purposes of calculating the tax, the amount of the recovered  
22 property tax shall be for each year the exemption allowed by this sec-  
23 tion was improperly claimed or approved, up to a maximum of seven (7)  
24 years. The amount of the recovery of property tax shall be calculated  
25 using the product of the amount of exempted value for each year multi-  
26 plied by the levy for that year plus costs, late charges, and interest  
27 for each year at the rates equal to those provided for delinquent prop-  
28 erty taxes during that year.

29 (f) Any recovery of property tax shall be due and payable no later than  
30 the date provided for property taxes in section 63-903, Idaho Code, and  
31 if not timely paid, late charges and interest, beginning the first day  
32 of January in the year following the year the county assessor sent the  
33 notice to the taxpayer pursuant to this section, shall be calculated at  
34 the current rate provided for property taxes.

35 (g) Recovered property taxes shall be billed, collected and dis-  
36 tributed in the same manner as property taxes, except each taxing dis-  
37 trict or unit shall be notified of the amount of any recovered property  
38 taxes included in any distribution.

39 (h) Thirty (30) days after the taxpayer is notified, as provided in  
40 paragraph (a) of this subsection, the assessor shall record a notice  
41 of intent to attach a lien. Upon the payment in full of such recov-  
42 ered property taxes prior to the attachment of the lien as provided in  
43 paragraph (i) of this subsection, or upon the successful appeal by the  
44 taxpayer, the county assessor shall record a rescission of the intent to  
45 attach a lien within seven (7) business days of receiving such payment  
46 or within seven (7) business days of the county board of equalization  
47 decision granting the appeal. If the real property is sold to a bona  
48 fide purchaser for value prior to the recording of the notice of the in-  
49 tent to attach a lien, the county assessor and treasurer shall cease the  
50 recovery of such unpaid recovered property tax.



1 (i) Any unpaid recovered property taxes shall become a lien ~~upon~~ on the  
2 real property in the same manner as provided for property taxes in sec-  
3 tion 63-206, Idaho Code, except such lien shall attach as of the first  
4 day of January in the year following the year the county assessor sent  
5 the notice to the taxpayer pursuant to this section.

6 (j) For purposes of the limitation provided by section 63-802, Idaho  
7 Code, moneys received pursuant to this subsection as recovery of prop-  
8 erty tax shall be treated as property tax revenue.

9 (6) The legislature declares that this exemption is necessary and just.

10 (7) A homestead, ~~having that~~ previously qualified for exemption under  
11 this section in the preceding year, shall not lose such qualification due  
12 to: the owner's, beneficiary's, partner's, member's or shareholder's ab-  
13 sence in the current year by reason of active military service or because the  
14 homestead has been leased because the owner, beneficiary, partner, member or  
15 shareholder is absent in the current year by reason of active military ser-  
16 vice. An owner subject to the provisions of this subsection must apply for  
17 the exemption with the county assessor every year on or before a deadline  
18 date as specified by the county assessor for the county in which the home-  
19 stead is claimed. If an owner fails to apply on or before the established  
20 deadline, the county may, at its discretion, discontinue the exemption for  
21 that year.

22 (8) A homestead, ~~having that~~ previously qualified for exemption under  
23 this section in the preceding year, shall not lose such qualification due  
24 to the owner's, beneficiary's, partner's, member's or shareholder's death  
25 during the year of the owner's, beneficiary's, partner's, member's or share-  
26 holder's death and the tax year immediately following such death, provided  
27 that the homestead continues to be a part of the owner's, beneficiary's,  
28 partner's, member's or shareholder's estate. After such time, the new owner  
29 shall reapply to receive the exemption pursuant to this section and shall  
30 meet the qualification criteria contained in this section.

31 (9) The amount by which each exemption approved under this section ex-  
32 ceeds one hundred thousand dollars (\$100,000) may, in the discretion of the  
33 governing board of a taxing district, be deducted from the new construction  
34 roll for the following year prepared by the county assessor in accordance  
35 with section 63-301A, Idaho Code, but only to the extent that the amount ex-  
36 ceeds the same deduction made in the previous year.

37 (10) By July 1, 2023, the state tax commission shall establish a data-  
38 base of all active exemptions claimed under this section, which database  
39 shall be searchable by a person's name and by the address of the homestead  
40 for which the exemption is claimed. The database shall be made accessible  
41 to officials listed in subsection (5) (b) of this section for the purpose of  
42 verifying that:

43 (a) Multiple active exemptions have not been claimed by the same per-  
44 son; and

45 (b) A person's residence for voting purposes is the same as the home-  
46 stead for which such person has an active exemption pursuant to this  
47 section, if an exemption is so claimed.

48 SECTION 10. That Section 63-705, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1 63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX  
 2 OR OCCUPANCY TAX REDUCTION AMOUNTS. (1) ~~(a)~~ The state tax commission shall  
 3 publish adjustments to the income limitations, which shall be the greater  
 4 of:

5 ~~(i)~~ (a) An individual's income as defined in section 63-701, Idaho  
 6 Code, of not more than thirty-one thousand nine hundred dollars  
 7 (\$31,900) per household for tax year 2021 and each tax year thereafter;  
 8 or

9 ~~(ii)~~ ~~One hundred eighty-five percent (185%)~~ (b) Two hundred percent  
 10 (200%) of the federal poverty guidelines for a household of two (2) for  
 11 tax year 2021 and each tax year thereafter.

12 ~~(b)~~ (2) On and after January 1, ~~2022~~ 2023, if the current year's as-  
 13 sessed value of the home owned by the individual, according to the current  
 14 year's assessment notice, exceeds the greater of ~~three hundred thousand dol-~~  
 15 ~~lars (\$300,000) or one hundred fifty percent (150%)~~ four hundred thousand  
 16 dollars (\$400,000) or two hundred percent (200%) of the median assessed val-  
 17 uation for all homes in the county receiving the homestead exemption pur-  
 18 suant to section 63-602G, Idaho Code, then the individual will instead be  
 19 referred to the property tax deferral program set forth in sections 63-712  
 20 through 63-721, Idaho Code. Using the current year's assessed values, each  
 21 county shall report the median assessed value of all properties receiving  
 22 the homestead exemption in such county as of that date to the state tax com-  
 23 mission no later than the first Monday in June. Provided, however, the pro-  
 24 visions of this paragraph do not apply to a veteran with either a service-  
 25 connected disability of one hundred percent (100%) or a disability rating  
 26 based on individual unemployability rating that is compensated at the one  
 27 hundred percent (100%) disability rate, as certified by the United States  
 28 department of veterans affairs.

29 ~~(c)~~ (3) The lowest income limitation shall allow a maximum reduction  
 30 of one thousand five hundred dollars (\$1,500) in tax year 2021 and there-  
 31 after, ~~or actual property taxes or occupancy taxes, as applicable, whichever~~  
 32 ~~is less.~~ Each income limitation and reduction amount shall be prorated based  
 33 on the basic maximum reduction, in practicable increments, ~~so that the high-~~  
 34 ~~est income limitation will provide for a reduction of two hundred fifty dol-~~  
 35 ~~lars (\$250), or actual property taxes, whichever is less.~~

36 ~~(2)~~ (4) The state tax commission shall publish the adjustments required  
 37 by this section each and every year the secretary of health and human ser-  
 38 vices announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i).  
 39 The adjustments shall be published no later than October 1 of each such year  
 40 and shall be effective for claims filed in and for the following property tax  
 41 year.

42 ~~(3)~~ (5) The publication of adjustments under this section shall be ex-  
 43 empt from the provisions of chapter 52, title 67, Idaho Code, but shall be  
 44 provided to each county and to members of the public upon request and without  
 45 charge.

46 SECTION 11. That Section 63-902, Idaho Code, be, and the same is hereby  
 47 amended to read as follows:

48 63-902. PROPERTY TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (1)  
 49 For property on the property roll or operating property roll, the county tax

1 collector must, prior to the fourth Monday of November in each year, mail or  
 2 transmit electronically, as that term is defined in section 63-115, Idaho  
 3 Code, if electronic transmission is requested by the taxpayer, to every tax-  
 4 payer, or to his agent or representative, at his last known post office ad-  
 5 dress, a tax notice prepared upon forms prescribed in section 63-219, Idaho  
 6 Code, which shall contain at least the following:

- 7 (a) The year in which the property tax was levied;
- 8 (b) The name and address of the property owner;
- 9 (c) An accurate description of the property or, in lieu thereof, the tax  
 10 number of record;
- 11 (d) The parcel number;
- 12 (e) Full market value for assessment purposes;
- 13 (f) The total amount of property taxes due:
  - 14 (i) State;
  - 15 (ii) County;
  - 16 (iii) City;
  - 17 (iv) School district separately shown as:
    - 18 (A) Maintenance and operation;
    - 19 (B) Bond;
    - 20 (C) Supplemental;
    - 21 (D) Other;

22 (v) And every other tax being separately shown.

23 (g) All property tax levies in the tax code area;

24 (h) The expiration dates of all bonds and levies approved by vot-  
 25 ers at an election for each taxing district as defined in section  
 26 63-3101, Idaho Code, submitted to the tax collector pursuant to section  
 27 63-803(5), Idaho Code;

28 (i) The amount of property tax savings for each taxpayer as a result of  
 29 moneys received by a school district from the school district facili-  
 30 ties fund established pursuant to section 33-911, Idaho Code;

31 ~~(j)~~ (j) The date when such property taxes become delinquent;

32 ~~(k)~~ (k) Notation of delinquencies against said property;

33 ~~(l)~~ (l) Whether an interim payment account exists;

34 ~~(m)~~ (m) The different payment options available to the taxpayer, his  
 35 agent or representative shall be printed in boldface type in a contrast-  
 36 ing color or highlighted on the face of the tax notice; and

37 ~~(n)~~ (n) The total amount of property taxes for the previous tax year.

38 (2) The information required by subsection (1) (h) of this section may  
 39 be satisfied if the county treasurer provides an annual insert with the tax  
 40 notice or a link on the tax notice to the county website where the information  
 41 required by subsection (1) (h) of this section can be accessed. Such infor-  
 42 mation must be archived on the county website. In addition to including the  
 43 link to the county website, the county treasurer may also include on the tax  
 44 notice a quick response code to access the information required by subsec-  
 45 tion (1) (h) of this section.

46 (3) The tax notices shall be numbered consecutively and the numbers  
 47 must be entered upon all property rolls.

48 (4) Tax notices prepared in tax code area format shall state that levy  
 49 sheets are available to the public.

1 (5) Levy sheets shall list the total property tax levy for each taxing  
2 district or taxing jurisdiction and the total in each tax code area.

3 (6) If the taxpayer is one other than the equitable titleholder, such as  
4 an escrowee, trustee of trust deed or other third party, the taxpayer shall  
5 deliver to the equitable titleholder a statement of the total amount of prop-  
6 erty taxes billed, on or before the second Monday of December.

7 (7) The tax collector in each county of the state is authorized to de-  
8 stroy all duplicate property tax receipts and microfilm of tax receipts on  
9 file in his office as they reach ten (10) years old. Property tax receipts  
10 may be destroyed if information has been replicated in other storage media.

11 (8) Computer and data processing routines for completion of all phases  
12 of the property tax roll procedures may be utilized with the responsibility  
13 for completion of each office's statutory duties to remain under the super-  
14 vision of that office. Wherever the designation "property roll" appears  
15 within title 63, Idaho Code, data processing or computer procedures and  
16 forms may be substituted as permanent records.

17 (9) The county tax collector must, as soon as possible after the sub-  
18 sequent or missed property roll is delivered to him from the county auditor,  
19 mail or transmit electronically, if electronic transmission is requested by  
20 the taxpayer, a notice to every taxpayer listed on the subsequent or missed  
21 property roll, or to his agent or representative. The notice shall conform  
22 as nearly as possible to the notice required for property listed on the prop-  
23 erty roll.

24 (10) Failure to mail or transmit electronically, if electronic trans-  
25 mission is requested by the taxpayer, such property tax notice, or receipt of  
26 said notice by the taxpayer, shall not invalidate the property taxes, or any  
27 proceedings in the collection of property taxes, or any proceedings in the  
28 foreclosure of property tax liens.

29 (11) No charge, other than property taxes, shall be included on a tax  
30 notice unless the entity placing such charge has received approval from the  
31 board of county commissioners to place such charge on the tax notice and such  
32 entity:

33 (a) Has the authority by law to place a lien on property; and

34 (b) Has the authority to certify such charge to the auditor; and

35 (c) Is required to collect such charge in the same manner provided by  
36 law for the collection of real and personal property taxes.

37 (12) If a taxpayer requests to receive a tax notice electronically, the  
38 request must be made on a form provided by the county tax collector.

39 SECTION 12. That Section 63-3024B, Idaho Code, be, and the same is  
40 hereby amended to read as follows:

41 63-3024B. IDAHO TAX REBATE FUND. (1) There is hereby created in the  
42 state treasury the Idaho tax rebate fund for the purpose of implementing the  
43 provisions of this section.

44 (a) Up to two hundred twenty million dollars (\$220,000,000), less ad-  
45 ministrative costs, shall be distributed by the state tax commission  
46 to pay rebates to individual taxpayers as provided in subsection (2) of  
47 this section, which moneys are continuously appropriated.

48 (b) For rebates authorized under subsection (3) of this section, up to  
49 three hundred fifty million dollars (\$350,000,000), less administra-

1           tive costs, shall be distributed by the state tax commission to pay re-  
2           bates to individual taxpayers, which moneys are continuously appropri-  
3           ated.

4           (c) For rebates authorized under subsection (4) of this section, up  
5           to five hundred million dollars (\$500,000,000), less administrative  
6           costs, shall be distributed by the state tax commission to pay rebates  
7           to individual taxpayers, which moneys are continuously appropriated.

8           (d) On July 1, 2023, any moneys remaining following the distributions  
9           authorized pursuant to paragraphs (a), (b), and (c) of this subsection  
10           shall be transferred by the state controller to the school district fa-  
11           ilities fund established in section 33-911, Idaho Code.

12           (2) After filing a 2020 Idaho individual income tax return or form 24 on  
13           or before December 31, 2021, any full-year resident taxpayer who also filed  
14           an individual income tax return or a form 24 for 2019 shall receive a onetime,  
15           nontaxable income tax rebate check in an amount approximately equal to nine  
16           percent (9%) of the tax amount, if any, reported on 2019 form 40, line 20,  
17           or for service members on 2019 form 43, line 42, or fifty dollars (\$50.00)  
18           per taxpayer and each dependent, whichever is more. Any unexpended moneys  
19           remaining from the rebate authorized under this subsection shall be added by  
20           the state tax commission to the moneys designated for the rebate authorized  
21           under subsection (3) of this section.

22           (3) After filing a 2021 Idaho individual income tax return or form 24 on  
23           or before December 31, 2022, any full-year resident taxpayer who also filed a  
24           2020 individual income tax return or form 24 on or before December 31, 2022,  
25           shall receive a onetime, nontaxable income tax rebate check in an amount ap-  
26           proximately equal to twelve percent (12%) of the tax amount, if any, reported  
27           on 2020 form 40, line 20, or for service members on 2020 form 43, line 42, or  
28           seventy-five dollars (\$75.00) per taxpayer and each dependent, whichever is  
29           more. The state tax commission shall issue such rebates during the 2022 fis-  
30           cal year and 2023 fiscal year to the extent possible.

31           (4) In addition to the rebate granted under subsection (3) of this sec-  
32           tion, after filing a 2021 Idaho individual income tax return or form 24 on or  
33           before December 31, 2022, any full-year resident taxpayer who also filed a  
34           2020 individual income tax return or a form 24 on or before December 31, 2022,  
35           shall receive a onetime nontaxable income tax rebate check in an amount ap-  
36           proximately equal to ten percent (10%) of the tax amount, if any, reported  
37           on 2020 form 40, line 20, or for service members on 2020 form 43, line 42,  
38           or three hundred dollars (\$300) per individual return or six hundred dollars  
39           (\$600) per joint return, whichever is more. The state tax commission shall  
40           issue such rebates during the 2023 fiscal year to the extent possible.

41           SECTION 13. That Section 63-3620F, Idaho Code, be, and the same is  
42           hereby amended to read as follows:

43           63-3620F. DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITA-  
44           TORS AND OUT-OF-STATE RETAILERS. (1) State sales and use taxes collected  
45           by retailers without a physical presence in Idaho, as described in section  
46           63-3611(3)(h), Idaho Code, and state sales and use taxes collected on trans-  
47           actions facilitated for third-party sellers by marketplace facilitators, as  
48           described in section 63-3605E, Idaho Code, shall be distributed as provided  
49           in this section.

1           (2) ~~From June 1, 2019, through June 30, 2024, all~~ 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, all state sales and use taxes described in~~  
13 ~~subsection (1) of this section shall be distributed by the state tax commis-~~  
14 ~~sion through the distribution formula set forth for other sales and use tax~~  
15 ~~revenue in section 63-3638, Idaho Code.~~

16           ~~(4)~~ (3) Marketplace facilitators must obtain a separate seller's per-  
17 mit and collect and remit under that separate permit for state sales and use  
18 taxes collected on transactions facilitated for third-party sellers.

19           SECTION 14. That Section 63-3638, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21           63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this  
22 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,  
23 and 63-3709, Idaho Code, ~~and except as provided in subsection (16) of this~~  
24 ~~section,~~ shall be distributed by the state tax commission as follows:

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

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

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

35           (4) An amount equal to the sum required to be certified by the chair-  
36 man of the Idaho housing and finance association to the state tax commis-  
37 sion pursuant to section 67-6211, Idaho Code, in each year is continuously  
38 appropriated and shall be paid to any capital reserve fund established by  
39 the Idaho housing and finance association pursuant to section 67-6211, Idaho  
40 Code. Such amounts, if any, as may be appropriated hereunder to the capital  
41 reserve fund of the Idaho housing and finance association shall be repaid for  
42 distribution under the provisions of this section, subject to the provisions  
43 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-  
44 tion, as soon as possible, from any moneys available therefor and in excess  
45 of the amounts the association determines will keep it self-supporting.

46           (5) An amount equal to the sum required by the provisions of sections  
47 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated  
48 by section 63-718(3), Idaho Code, is continuously appropriated and shall be  
49 paid as provided by sections 63-709 and 63-717, Idaho Code.

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

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

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

25 (9) One dollar (\$1.00) on each application for certificate of title  
26 or initial application for registration of a motor vehicle, snowmobile,  
27 all-terrain vehicle or other vehicle processed by the county assessor or the  
28 Idaho transportation department, excepting those applications in which any  
29 sales or use taxes due have been previously collected by a retailer, shall be  
30 a fee for the services of the assessor of the county or the Idaho transporta-  
31 tion department in collecting such taxes and shall be paid into the current  
32 expense fund of the county or state highway account established in section  
33 40-702, Idaho Code.

34 (10) Eleven and five-tenths percent (11.5%) of revenues collected un-  
35 der this chapter, following any distributions required by sections 63-3203,  
36 63-3620F, and 63-3709, Idaho Code, and by subsection (1) of this section, is  
37 continuously appropriated and shall be distributed to the revenue-sharing  
38 account, which is hereby created in the state treasury, and the moneys in the  
39 revenue-sharing account will be paid in installments each calendar quarter  
40 by the state tax commission as follows:

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

43 ~~(i) Beginning in fiscal year 2025 and each fiscal year there-~~  
44 ~~after, four million dollars (\$4,000,000) shall be transferred~~  
45 ~~each quarter to the state public defense fund created in section~~  
46 ~~57-827, Idaho Code.~~

47 ~~(ii) After the distribution required by subparagraph (i) of this~~  
48 ~~paragraph, the~~

49 (i) The revenue-sharing amount calculated by the state tax com-  
50 mission for the various cities for each quarter of fiscal year 2020

1 shall be the base amount for current quarterly revenue distribu-  
 2 tion amounts. The state tax commission shall calculate the per  
 3 capita distribution for each city resulting from the previous fis-  
 4 cal year's distributions.

5 ~~(iii)~~ (ii) If there is no change in the amount of the revenue-shar-  
 6 ing account from the same quarter of the previous fiscal year, then  
 7 the various cities shall receive the same amount received for the  
 8 same quarter of the previous fiscal year.

9 ~~(iv)~~ (iii) If the balance of the revenue-sharing account for the  
 10 current quarter is greater than the balance of the revenue-sharing  
 11 account for the same quarter of the previous fiscal year, then:

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

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

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

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

42 ~~(i) Beginning in fiscal year 2025, five million dollars~~  
 43 ~~(\$5,000,000) shall be transferred each quarter to the state public~~  
 44 ~~defense fund created in section 57-827, Idaho Code. The growth~~  
 45 ~~percentage distributed pursuant to this subparagraph shall be re-~~  
 46 ~~calculated each quarter beginning in fiscal year 2026 and in each~~  
 47 ~~fiscal year thereafter through fiscal year 2030. If the growth is~~  
 48 ~~positive and is calculated over the same period from the previ-~~  
 49 ~~ous fiscal year, a proportional increase in the initial transfer~~  
 50 ~~amount of up to five percent (5%) annually shall be transferred to~~



1 the state public defense fund. After fiscal year 2030, an amount  
 2 equal to one-fourth (1/4) of the total amount transferred to the  
 3 state public defense fund in fiscal year 2030 pursuant to this  
 4 subparagraph shall be transferred quarterly to the state public  
 5 defense fund;

6 ~~(ii) Following the distribution required by subparagraph (i) of~~  
 7 ~~this paragraph, fifty-nine~~

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

11 1. One million three hundred twenty thousand dollars  
 12 (\$1,320,000) annually shall be distributed one forty-fourth  
 13 (1/44) to each of the various counties; and

14 2. The balance of such amount shall be paid to the various  
 15 counties, and each county shall be entitled to an amount in  
 16 the proportion that the population of that county bears to  
 17 the population of the state; and

18 ~~(iii) Following the distribution required by subparagraph (i) of~~  
 19 ~~this paragraph, forty~~

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

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

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

32 3. If the dollar amount of money available under this sub-  
 33 section (10) (b) ~~(iii)~~ (ii) in any quarter exceeds the amount  
 34 paid in the fourth quarter of calendar year 1999, each county  
 35 shall be entitled to a proportionately increased payment,  
 36 but such increase shall not exceed one hundred five percent  
 37 (105%) of the total payment made in the fourth quarter of  
 38 calendar year 1999.

39 4. If the dollar amount of money available under this sub-  
 40 section (10) (b) ~~(iii)~~ (ii) in any quarter exceeds one hundred  
 41 five percent (105%) of the total payment made in the fourth  
 42 quarter of calendar year 1999, any amount over and above such  
 43 one hundred five percent (105%) shall be paid to the various  
 44 counties in the proportion that the population of the county  
 45 bears to the population of the state; and

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

49 (i) Each such district that received a payment under the provi-  
 50 sions of section 63-3638(e), Idaho Code, as such subsection ex-

1           isted immediately prior to July 1, 2000, during the fourth quarter  
2 of calendar year 1999, shall be entitled to a like amount during  
3 succeeding calendar quarters.

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

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

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

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

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

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

37           (11) Amounts calculated in accordance with section 2, chapter 356, laws  
38 of 2001, for annual distribution to counties and other taxing districts be-  
39 ginning in October 2001 for replacement of property tax on farm machinery and  
40 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool  
41 districts, the state tax commission shall distribute one-fourth (1/4) of  
42 this amount certified quarterly to each county. For school districts, the  
43 state tax commission shall distribute one-fourth (1/4) of the amount certi-  
44 fied quarterly to each school district. For nonschool districts, the county  
45 auditor shall distribute to each district within thirty (30) calendar days  
46 from receipt of moneys from the state tax commission. Moneys received by  
47 each taxing district for replacement shall be utilized in the same manner  
48 and in the same proportions as revenues from property taxation. The moneys  
49 remitted to the county treasurer for replacement of property exempt from  
50 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the

1 counties and other taxing districts and budgeted at the same time, in the  
2 same manner and in the same year as revenues from taxation on personal prop-  
3 erty which these moneys replace. If taxing districts are consolidated, the  
4 resulting district is entitled to an amount equal to the sum of the amounts  
5 received in the last calendar quarter by each district pursuant to this  
6 subsection prior to the consolidation. If a taxing district is dissolved  
7 or disincorporated, the state tax commission shall continuously distribute  
8 to the board of county commissioners an amount equal to the last quarter's  
9 distribution prior to dissolution or disincorporation. The board of county  
10 commissioners shall determine any redistribution of moneys so received. If  
11 a taxing district annexes territory, the distribution of moneys received  
12 pursuant to this subsection shall be unaffected. Taxing districts formed  
13 after January 1, 2001, are not entitled to a payment under the provisions  
14 of this subsection. School districts shall receive an amount determined by  
15 multiplying the sum of the year 2000 school district levy minus .004 times  
16 the market value on December 31, 2000, in the district of the property exempt  
17 from taxation pursuant to section 63-602EE, Idaho Code, provided that the  
18 result of these calculations shall not be less than zero (0). The result of  
19 these school district calculations shall be further increased by six per-  
20 cent (6%). For purposes of the limitation provided by section 63-802, Idaho  
21 Code, moneys received pursuant to this section as property tax replacement  
22 for property exempt from taxation pursuant to section 63-602EE, Idaho Code,  
23 shall be treated as property tax revenues.

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

27 (13) Amounts calculated in accordance with section 63-602KK(4), Idaho  
28 Code, for annual distribution to counties and other taxing districts for  
29 replacement of property tax on personal property tax exemptions pursuant  
30 to section 63-602KK(2), Idaho Code, which amounts are continuously ap-  
31 propriated unless the legislature enacts a different appropriation for a  
32 particular fiscal year. For purposes of the limitation provided by section  
33 63-802, Idaho Code, moneys received pursuant to this section as property tax  
34 replacement for property exempt from taxation pursuant to section 63-602KK,  
35 Idaho Code, shall be treated as property tax revenues. If taxing districts  
36 are consolidated, the resulting district is entitled to an amount equal to  
37 the sum of the amounts that were received in the last calendar year by each  
38 district pursuant to this subsection prior to the consolidation. If a taxing  
39 district or revenue allocation area annexes territory, the distribution of  
40 moneys received pursuant to this subsection shall be unaffected. Taxing  
41 districts and revenue allocation areas formed after January 1, 2022, are not  
42 entitled to a payment under the provisions of this subsection.

43 (14) For fiscal years 2023 and 2024 only, a sum of thirty-four million  
44 dollars (\$34,000,000) shall be distributed each year by the state tax com-  
45 mission to the forty-four (44) counties in the proportion that the expen-  
46 ditures of each county for indigent defense services during county fiscal  
47 year 2021, excluding any state funding or grants, bear to the expenditures  
48 of all counties in the state for indigent defense services during county fis-  
49 cal year 2021, excluding any state funding or grants. No later than July 1,  
50 2022, the state public defense commission shall certify to the state tax com-

1 mission each county's proportionate share of all counties' indigent defense  
2 expenses in county fiscal year 2021, excluding any state funding or grants.

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

6 (15) For fiscal year 2024 and each fiscal year thereafter, four and  
7 five-tenths percent (4.5%) of revenues collected under this chapter,  
8 following any distributions required by sections 63-3203, 63-3620F, and  
9 63-3709, Idaho Code, and by subsections (1) and (10) of this section, is  
10 continuously appropriated and shall be distributed annually to the school  
11 district facilities fund established in section 33-911, Idaho Code.

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

16 (b) Any portion of the four and five-tenths percent (4.5%) provided for  
17 in paragraph (a) of this subsection that exceeds eighty million dollars  
18 (\$80,000,000) is continuously appropriated and shall be apportioned  
19 to local units of government for local highway projects in the same  
20 percentages provided for in section 40-709(1) through (3), Idaho Code.  
21 Local units of government may pool funds allocated to them pursuant to  
22 this paragraph for local highway projects.

23 (c) The distribution provided for in this subsection must immediately  
24 follow the distribution provided for in subsection (10) of this sec-  
25 tion.

26 (17) Beginning in fiscal year 2024 and each fiscal year thereafter,  
27 three hundred thirty million dollars (\$330,000,000) shall be distributed  
28 annually to the public school income fund created in section 33-903, Idaho  
29 Code, and eighty million dollars (\$80,000,000) shall be distributed annu-  
30 ally to the in-demand careers fund established in section 33-4305, Idaho  
31 Code. The state tax commission shall make such transfers in quarterly in-  
32 stallments. The distributions required by this subsection must immediately  
33 follow the distributions provided for in subsection (16) of this section.

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

37 SECTION 15. CASH TRANSFER. There is hereby appropriated and the Office  
38 of the State Controller shall transfer \$85,000,000 from the General Fund to  
39 the School District Facilities Fund established under section 33-911, Idaho  
40 Code, on July 1, 2023, or as soon thereafter as practicable, for the period of  
41 July 1, 2023, through June 30, 2024.

42 SECTION 16. SEVERABILITY. The provisions of this act are hereby de-  
43 clared to be severable, and if any provision of this act or the application  
44 of such provision to any person or circumstance is declared invalid for any  
45 reason, such declaration shall not affect the validity of the remaining por-  
46 tions of this act.

47 SECTION 17. An emergency existing therefor, which emergency is hereby  
48 declared to exist, Sections 1, 4, 5, 6, 7, 9, 10, 13, and 16 shall be in full

1 force and effect on and after passage and approval; and Sections 2, 3, 8, 11,  
2 12, 14, and 15 shall be in full force and effect on and after July 1, 2023.