

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 474

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO LOCAL GOVERNMENTAL ENTITIES; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-450E, IDAHO CODE, TO PROVIDE A DEFINITION, TO ESTABLISH PROVISIONS RELATING TO A CENTRAL REGISTRY AND REPORTING PORTAL, TO PROVIDE FOR THE REPORTING OF CERTAIN ADMINISTRATIVE, FINANCIAL, BOND AND DEBT INFORMATION, TO PROVIDE FOR SUBMISSION OF INFORMATION FOR CALENDAR YEAR 2015, TO PROVIDE FOR NOTIFICATION BY THE COUNTY CLERK, TO PROVIDE THAT THE STATE TAX COMMISSION SHALL SUBMIT A LIST, TO PROVIDE THAT THE COUNTY CLERK OF EACH COUNTY SHALL SUBMIT A LIST, TO PROVIDE FOR NOTIFICATION BY THE LOCAL GOVERNING ENTITY, TO PROVIDE FOR NOTIFICATION BY THE LEGISLATIVE SERVICES OFFICE, TO PROVIDE FOR A PUBLIC NOTICE, TO PROVIDE FOR CONSEQUENCES IN THE EVENT OF THE ENTITY FAILING TO SUBMIT COMPLIANT INFORMATION, TO PROVIDE FOR APPLICATION OF LAWS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-450E, Idaho Code, and to read as follows:

67-450E. LOCAL GOVERNING ENTITIES CENTRAL REGISTRY -- REPORTING INFORMATION REQUIRED -- PENALTIES FOR FAILURE TO REPORT. In addition to the provisions applicable to local governing entities found in section 67-450B, Idaho Code, the provisions of this section shall also apply to local governing entities. For purposes of this section, "local governing entity" shall have the same meaning as provided in section 67-450B, Idaho Code.

(1) (a) There is hereby established a central registry and reporting portal ("registry") on the legislative services office website. The registry and reporting portal shall serve as the unified location for the reporting of and access to administrative and financial information of local governing entities in this state. To establish a complete list of all local governmental entities operating in Idaho, on the effective date of this legislation and so that the registry established will be comprehensive, every existing local governing entity shall register with the state registry. For calendar year 2015, the submission of information required by subsection (2) of this section shall occur prior to March 1, 2015, and shall be in the form and format required by the legislative services office. In addition to the information required by this section for the March 1, 2015, filing deadline, the entity shall report the date of its last independent audit. The registry listing will be available on the legislative services office website by January 1, 2016.

(b) The county clerk shall notify each local governing entity of the requirements of this section.

1 (c) After March 1, 2015, and on or before October 1 of each year:

2 (i) The state tax commission shall submit a list to the legisla-
3 tive services office of all taxing districts within the state; and

4 (ii) The county clerk of each county shall submit a list to the
5 legislative services office of all taxing districts in the county
6 and any local governing entities that are authorized to impose
7 fees or assessments within the county.

8 (2) On or before October 1 of each year, every local governing entity
9 shall submit on the online central registry and reporting portal the follow-
10 ing information:

11 (a) Administrative information:

12 (i) The terms of membership and appointing authority for the gov-
13 erning board member of the local governmental entity;

14 (ii) The official name, mailing address and electronic mailing
15 address of the entity;

16 (iii) The fiscal year of the entity;

17 (iv) A listing of all taxes, fees, assessments or charges im-
18 posed and collected by the entity, including the rates or amounts
19 charged for the reporting period and the statutory authority for
20 the levy of the tax, fee, assessment or charge; and

21 (v) The section of Idaho Code under which the entity was estab-
22 lished, the date of establishment, the establishing entity and the
23 statute or statutes under which the entity operates, if differ-
24 ent from the statute or statutes under which the entity was estab-
25 lished.

26 (b) Financial information:

27 (i) The most recent adopted budget of the entity;

28 (ii) After the close of each fiscal year, a comparison of the bud-
29 get to actual revenues and expenditures for that fiscal year; and

30 (iii) Audits as required pursuant to section 67-450B(1), Idaho
31 Code.

32 (c) Bonds or other debt obligation information:

33 (i) The cumulative dollar amount of all bonds or other debt obli-
34 gations issued or incurred by the entity; and

35 (ii) The average length of term of all bond issuances or other debt
36 obligations; the average interest rate of all bonds and other debt
37 obligations.

38 (d) Within five (5) days of submitting to the central registry the in-
39 formation required by this subsection, the local governing entity shall
40 notify the entity's appointing authority that it has submitted such in-
41 formation.

42 (e) If any information provided by an entity as required by this subsec-
43 tion changes during the year, the entity shall update its information on
44 the registry within thirty (30) days of any such change.

45 (3) (a) If a local governing entity fails to submit information re-
46 quired by this section or submits noncompliant information required
47 by this section, the legislative services office shall notify the en-
48 tity within thirty (30) days after the due date of the information that
49 either the information was not submitted in a timely manner or the in-
50 formation submitted was noncompliant. The local governing entity shall

1 then have thirty (30) days from the date of notice to submit the infor-
2 mation or notify the legislative services office that it will comply by
3 a time certain.

4 (b) The legislative services office shall notify the appropriate
5 county commissioners of the entity's failure to comply with the provi-
6 sions of this section. Upon receipt of such notification, the county
7 commissioners shall place a public notice in a newspaper of general cir-
8 culation in the county indicating that the entity is in danger of being
9 dissolved due to failure to comply with the legal reporting require-
10 ments. The county commissioners shall assess to the entity the cost of
11 the public notice.

12 (c) Failure to submit compliant information within thirty (30) days of
13 the notice will result in notification of such failure being sent to the
14 entity's oversight body. The oversight body shall then impose one (1)
15 or more of the following:

16 (i) Withhold the annual distribution of moneys that would oth-
17 erwise be made. Such moneys shall be withheld and retained in a
18 reserve account until the legislative services office certifies
19 that the entity has complied with the provisions of this section;

20 (ii) Any entity that has not complied with the provisions of this
21 section is prohibited from levying or collecting any tax, fee, as-
22 sessment or charge;

23 (iii) The county commissioners shall take steps to dissolve the
24 entity;

25 (iv) A requirement that an audit be performed, in addition to that
26 otherwise required by this section, or a special examination con-
27 ducted of the purpose and operations of the local governing en-
28 tity. Costs of such audit or special examination shall be borne by
29 the local governing entity.

30 (4) The provisions of this section shall have no impact or effect upon
31 reporting requirements for local governing entities relating to the state
32 tax commission.

33 SECTION 2. This act shall be in full force and effect on and after Jan-
34 uary 1, 2015.