

IN THE SENATE

SENATE BILL NO. 1116

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO RE-
2 VISE PROVISIONS REGARDING APPROPRIATIONS FOR CERTAIN FISCAL YEARS AND
3 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING
4 RETROACTIVE APPLICATION.
5

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

7 SECTION 1. That Section 23-404, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys re-
10 ceived into the liquor account shall be transferred or appropriated as fol-
11 lows:

12 (a) An amount of money equal to the actual cost of purchase of alcoholic
13 liquor and payment of expenses of administration and operation of the
14 division, as determined by the director and certified quarterly to the
15 state controller, shall be transferred back to the division; provided,
16 that the amount so transferred back for administration and operation of
17 the division shall not exceed the amount authorized to be expended by
18 regular appropriation authorization.

19 (b) From fiscal year 2006 through fiscal year 2009, forty percent (40%)
20 of the balance remaining after transferring the amounts authorized by
21 paragraph (a) of this subsection shall be transferred or appropriated
22 pursuant to this paragraph. Beginning in fiscal year 2010, the percent-
23 age transferred pursuant to this paragraph shall increase to forty-two
24 percent (42%) with an increase of two percent (2%) for each subsequent
25 fiscal year thereafter until fiscal year 2014, when such percentage
26 shall be fifty percent (50%).

27 (i) For fiscal year 2006 and through fiscal year 2009, one mil-
28 lion eight hundred thousand dollars (\$1,800,000) shall be appro-
29 priated and paid to the cities and counties as set forth in para-
30 graph (c) (i) and (ii) of this subsection;

31 (ii) Two million eighty thousand dollars (\$2,080,000) shall be
32 transferred annually to the substance abuse treatment fund cre-
33 ated in section 23-408, Idaho Code;

34 (iii) Eight hundred thousand dollars (\$800,000) shall be trans-
35 ferred annually to the state community college account created in
36 section 33-2139, Idaho Code;

37 (iv) One million two hundred thousand dollars (\$1,200,000) shall
38 be transferred annually to the public school income fund as de-
39 fined in section 33-903, Idaho Code;

40 (v) Six hundred fifty thousand dollars (\$650,000) shall be
41 transferred annually to the cooperative welfare account in the
42 dedicated fund;

1 (vi) Six hundred eighty thousand dollars (\$680,000) shall be
2 transferred annually to the drug court, mental health court and
3 family court services fund;

4 (vii) Four hundred forty thousand dollars (\$440,000) shall be
5 transferred annually to the drug and mental health court supervi-
6 sion fund created in section 23-409, Idaho Code; and

7 (viii) The balance shall be transferred to the general fund.

8 (c) The remainder of the moneys received in the liquor account shall be
9 appropriated and paid as follows:

10 (i) For fiscal year 2018, forty percent (40%) of the balance re-
11 maining after the transfers authorized by paragraphs (a) and (b)
12 of this subsection have been made is hereby appropriated to and
13 shall be paid to the several counties. For fiscal year 2019, the
14 amount apportioned to counties shall decrease to thirty-nine and
15 two-tenths percent (39.2%) with a decrease of eight-tenths per-
16 cent (.8%) for each subsequent fiscal year thereafter until fiscal
17 year 2023 when such percentage shall be thirty-six percent (36%).
18 Each county shall be entitled to an amount in the proportion
19 that liquor sales through the division in that county during the
20 state's previous fiscal year bear to total liquor sales through
21 the division in the state during the state's previous fiscal year,
22 except that no county shall be entitled to an amount less than that
23 county received in distributions from the liquor account during
24 the state's fiscal year 1981.

25 (ii) For fiscal year 2018, sixty percent (60%) of the balance re-
26 maining after the transfers authorized by paragraphs (a) and (b)
27 of this subsection have been made is hereby appropriated to and
28 shall be paid to the several cities. For fiscal year 2019, the
29 amount apportioned to the several cities shall decrease to fifty-
30 seven and eight-tenths percent (57.8%) with a decrease of two and
31 two-tenths percent (2.2%) for each subsequent fiscal year there-
32 after until fiscal year 2023 when such percentage shall be forty-
33 nine percent (49%). Amounts paid to the several cities shall be
34 distributed as follows:

35 1. Ninety percent (90%) of the amount appropriated to the
36 cities shall be distributed to those cities that have a
37 liquor store or distribution station located within the cor-
38 porate limits of the city. Each such city shall be entitled
39 to an amount in the proportion that liquor sales through the
40 division in that city during the state's previous fiscal
41 year bear to total liquor sales through the division in the
42 state during the state's previous fiscal year, except that
43 no city shall be entitled to an amount less than that city
44 received in distributions from the liquor account during the
45 state's fiscal year 1981;

46 2. Ten percent (10%) of the amount appropriated to the
47 cities shall be distributed to those cities that do not have
48 a liquor store or distribution station located within the
49 corporate limits of the city. Each such city shall be en-
50 titled to an amount in the proportion that ~~that city's~~ its

1 population bears to the population of all cities in the state
2 that do not have a liquor store or distribution station lo-
3 cated within the corporate limits of the city, except that
4 no city shall be entitled to an amount less than that city
5 received in distributions from the liquor account during the
6 state's fiscal year 1981.

7 (iii) For fiscal year 2019, an additional amount of three percent
8 (3%) of the balance remaining after the transfers authorized by
9 paragraphs (a) and (b) of this subsection have been made is hereby
10 appropriated to the several counties for deposit in the district
11 court fund. Such funds shall be dedicated to provide for the suit-
12 able and adequate quarters of the magistrate's division of the
13 district court, including the facilities and equipment necessary
14 to make the space provided functional for its intended use, and
15 shall provide for the staff personnel, supplies and other expenses
16 of the magistrate's division. For fiscal year 2020, the amount
17 apportioned to the several counties for deposit in the district
18 court fund shall be six percent (6%) with an increase of three per-
19 cent (3%) for each subsequent year until fiscal year 2023 when such
20 percentage shall be fifteen percent (15%). Amounts paid to the
21 several counties shall be distributed as follows:

22 1. The first four hundred forty thousand dollars (\$440,000)
23 shall be distributed to each of the forty-four (44) counties
24 in equal amounts;

25 2. Fifty percent (50%) of the remaining funds shall be dis-
26 tributed to the forty-four (44) counties in proportion to
27 the population of the county in relation to the population of
28 the state ~~using the American community survey, one (1) year~~
29 ~~estimate, United States census bureau; and~~

30 3. Fifty percent (50%) of the remaining funds shall be dis-
31 tributed to the forty-four (44) counties in proportion to
32 the number of misdemeanor and infraction ~~Citations issued~~
33 filings initiated by city law enforcement officers in the
34 county during the state's previous fiscal year in relation
35 to the proportion of the number of misdemeanor and infrac-
36 tion ~~Citations issued~~ filings initiated by all city law
37 enforcement officers in the state.

38 (2) All transfers and distributions shall be made periodically, but not
39 less frequently than quarterly, but the apportionments made to any county or
40 city that may during the succeeding three (3) year period be found to have
41 been in error either of computation or transmittal shall be corrected during
42 the fiscal year of discovery by a reduction of apportionments in the case of
43 over-apportionment or by an increase of apportionments in the case of under-
44 apportionment. The decision of the director on entitlements of counties and
45 cities shall be final and shall not be subject to judicial review.

46 (3) For purposes of this section, "city law enforcement officer" means
47 an individual, either employed directly by a city or by way of a contract for
48 law enforcement services with another city or county, authorized to investi-
49 gate, enforce, prosecute or punish violations of city or state statutes, or-
50 dinances or regulations.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval, and retroactively to July 1, 2018.