

IN THE SENATE

SENATE BILL NO. 1365

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 23-1002, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING THE ALCOHOL CONTENT OF BEER; AND AMENDING SECTION
3 23-1008, IDAHO CODE, TO PROVIDE FOR A CERTAIN TAX, TO PROVIDE FOR REV-
4 ENUE DISTRIBUTION, AND TO MAKE TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 23-1002, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 23-1002. ALCOHOLIC CONTENT. ~~(1)~~ Beer containing not more than ~~six~~
10 sixteen percent (16%) of alcohol by ~~weight~~ volume may be manufactured, im-
11 ported, and/or sold and distributed in and into this state or possessed
12 therein in the manner and under the conditions prescribed in this act and not
13 otherwise.

14 ~~(2) Beer containing more than four percent (4%) of alcohol by weight~~
15 ~~shall be considered and taxed as wine.~~

16 SECTION 2. That Section 23-1008, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 23-1008. TAX -- DISTRIBUTION -- RULES -- REPORTS. (1) A tax of four
19 dollars and sixty-five cents (\$4.65) per barrel of thirty-one (31) gal-
20 lons, and a like rate for any other quantity or fraction thereof, is hereby
21 levied and imposed ~~upon~~ on each and every barrel of beer containing not more
22 than five percent (5%) of alcohol by volume sold for use within the state of
23 Idaho. A tax of thirteen dollars and ninety-five cents (\$13.95) per barrel
24 of thirty-one (31) gallons, and a like rate for any other quantity or frac-
25 tion thereof, is hereby levied and imposed on each and every barrel of beer
26 containing more than five percent (5%) of alcohol by volume.

27 Any wholesaler who shall sell beer, upon which the tax herein imposed
28 has not been paid, and any person who shall purchase, receive, transport,
29 store or sell any beer upon which the tax herein imposed has not been paid,
30 shall be guilty of a misdemeanor, and any beer so purchased, received, trans-
31 ported, stored or possessed or sold shall be subject to seizure by the com-
32 mission, any inspector or investigator of the commission, or by any sheriff,
33 constable or other police officer, and the same may be removed and kept for
34 evidence. Upon conviction of any person for violation of the provisions of
35 this section, the said beer, and all barrels, kegs, cases, cartons and cans
36 containing the same, shall be forfeited to the state of Idaho, and, in addi-
37 tion, the person so convicted shall be subject to the other penalties in this
38 chapter prescribed.

39 Beer and all barrels, kegs, cases, cartons or cans so forfeited to
40 the state of Idaho shall be sold by the commission at public auction to any

1 brewer, wholesaler, or retailer, licensed under the provisions of this chap-
 2 ter, making the highest bid. Such sale shall be held at such place and time
 3 as may be designated by the commission after reasonable notice thereof given
 4 in such manner and for such time as the commission may by rule prescribe.
 5 From the purchase price received upon such sale, the commission shall first
 6 deduct an amount sufficient to pay the tax due on such beer, and to pay all
 7 costs incurred in connection with such sale. The commission shall deposit
 8 the balance remaining with the state treasurer, who shall place the same in
 9 the general fund of the state of Idaho, and it shall become a part thereof.

10 (2) The revenues received from the taxes, interest, penalties, or defi-
 11 ciency payments imposed by this section shall be distributed as follows:

12 (a) An amount of money shall be distributed to the state refund account
 13 sufficient to pay current refund claims. All refunds authorized by law
 14 to be paid by the state tax commission shall be paid through the state
 15 refund account and those moneys are continuously appropriated.

16 (b) For revenue deriving from beer containing not more than five per-
 17 cent (5%) of alcohol by volume, the balance remaining after distribut-
 18 ing the amount in paragraph (a) of this subsection shall be distributed
 19 as follows:

20 (i) Twenty percent (20%) shall be distributed to the substance
 21 abuse treatment fund which is created in section 23-408, Idaho
 22 Code;

23 (ii) Thirty-three percent (33%) shall be distributed to the per-
 24 manent building fund; and

25 (iii) The remainder shall be distributed to the general fund.

26 (c) For revenue deriving from beer containing more than five percent
 27 (5%) of alcohol by volume, the balance remaining after distributing the
 28 amount in paragraph (a) of this subsection shall be distributed as fol-
 29 lows:

30 (i) Twelve percent (12%) shall be distributed to the substance
 31 abuse treatment fund created in section 23-408, Idaho Code;

32 (ii) In fiscal year 2021 only, two and one-half percent (2.5%)
 33 shall be distributed to the Idaho grape growers and wine produc-
 34 ers commission account created in section 54-3607, Idaho Code; and
 35 in fiscal year 2022 only, one and one-half percent (1.5%) shall be
 36 distributed to the Idaho grape growers and wine producers commis-
 37 sion account; and

38 (iii) The remainder shall be distributed to the general fund.

39 (3) The commission is empowered to prescribe rules:

40 (a) For reports by carriers for hire and also all other carriers owned
 41 and/or employed, directly or indirectly, by out-of-state brewers,
 42 dealers or other persons, of all deliveries of beer in and into the state
 43 of Idaho, stating especially the origin and destination of the beer, the
 44 quantity thereof, and also the names and addresses, respectively, of
 45 the consignors and consignees.

46 (b) For reports by out-of-state brewers and manufacturers of beer, of
 47 all shipments by them of beer into the state of Idaho, stating espe-
 48 cially the matters mentioned in paragraph (a) of this subsection.