

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 30

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS SHALL BE DISTRIBUTED TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-2139, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

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

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys received into the liquor account shall be transferred or appropriated as follows:

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

(b) After transferring the amounts authorized by paragraph (a) of this subsection, eight hundred thousand dollars (\$800,000) shall be transferred annually to the peace officers standards and training fund created in section 19-5116.

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

(i) For fiscal year 2006 and through fiscal year 2009, one million eight hundred thousand dollars (\$1,800,000) shall be appropriated and paid to the cities and counties as set forth in paragraph (e) (i) and (ii) of this subsection;

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

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

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

4 (v) Six hundred fifty thousand dollars (\$650,000) shall be
5 transferred annually to the cooperative welfare ~~account~~ fund in
6 the dedicated fund;

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

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

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

14 (ed) The remainder of the moneys received in the liquor account shall be
15 appropriated and paid as follows:

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

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

41 1. Ninety percent (90%) of the amount appropriated to the
42 cities shall be distributed to those cities that have a
43 liquor store or distribution station located within the cor-
44 porate limits of the city. Each such city shall be entitled
45 to an amount in the proportion that liquor sales through the
46 division in that city during the state's previous fiscal
47 year bear to total liquor sales through the division in the
48 state during the state's previous fiscal year, except that
49 no city shall be entitled to an amount less than that city

1 received in distributions from the liquor account during the
2 state's fiscal year 1981;

3 2. Ten percent (10%) of the amount appropriated to the
4 cities shall be distributed to those cities that do not have
5 a liquor store or distribution station located within the
6 corporate limits of the city. Each such city shall be enti-
7 tled to an amount in the proportion that its population bears
8 to the population of all cities in the state that do not have
9 a liquor store or distribution station located within the
10 corporate limits of the city, except that no city shall be
11 entitled to an amount less than that city received in dis-
12 tributions from the liquor account during the state's fiscal
13 year 1981.

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

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

32 2. Fifty percent (50%) of the remaining funds shall be dis-
33 tributed to the forty-four (44) counties in proportion to
34 the population of the county in relation to the population of
35 the state; and

36 3. Fifty percent (50%) of the remaining funds shall be dis-
37 tributed to the forty-four (44) counties in proportion to
38 the number of misdemeanor and infraction filings initiated
39 by city law enforcement officers in the county during the
40 state's previous fiscal year in relation to the proportion
41 of the number of misdemeanor and infraction filings initi-
42 ated by all city law enforcement officers in the state.

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

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

6 SECTION 2. That Section 33-2139, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-2139. STATE COMMUNITY COLLEGE ACCOUNT CREATED. There is hereby
9 created a state community college account in the state operating fund in the
10 state treasurer's office to which shall be credited all moneys that may be
11 transferred pursuant to section 23-404(1) (~~bc~~) (iii), Idaho Code. The state
12 treasurer shall make such disbursements from the account as may be ordered by
13 the state board of education in accordance with the provisions of this act.