

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 146

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE SUBSTANCE ABUSE PRIMARY PREVENTION FUND; AMENDING SECTION
2 23-404, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF MONEYS TO THE
3 SUBSTANCE ABUSE PRIMARY PREVENTION FUND AND TO MAKE A TECHNICAL CORREC-
4 TION; AMENDING CHAPTER 4, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
5 SECTION 23-410, IDAHO CODE, TO ESTABLISH THE SUBSTANCE ABUSE PRIMARY
6 PREVENTION FUND AND TO PROVIDE FOR HOW MONEYS IN THE FUND MAY BE UTI-
7 LIZED; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

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

12 23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys re-
13 ceived into the liquor account shall be transferred or appropriated as fol-
14 lows:

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

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

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

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

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

40 (iv) One million five hundred thousand dollars (\$1,500,000)
41 shall be transferred annually to the substance abuse primary pre-
42 vention fund created in section 23-410, Idaho Code;

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

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

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

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

13 ~~(viii)~~ (ix) The balance shall be transferred to the general fund,
14 after one and one-half percent (1.5%) of such balance is trans-
15 ferred to the peace officers standards and training fund created
16 in section 19-5116, Idaho Code.

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

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

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

44 1. Ninety percent (90%) of the amount appropriated to the
45 cities shall be distributed to those cities that have a
46 liquor store or distribution station located within the cor-
47 porate limits of the city. Each such city shall be entitled
48 to an amount in the proportion that liquor sales through the
49 division in that city during the state's previous fiscal
50 year bear to total liquor sales through the division in the

1 state during the state's previous fiscal year, except that
2 no city shall be entitled to an amount less than that city
3 received in distributions from the liquor account during the
4 state's fiscal year 1981; and

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

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

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

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

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

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

1 apportionment. The decision of the director on entitlements of counties and
2 cities shall be final and shall not be subject to judicial review.

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

8 SECTION 2. That Chapter 4, Title 23, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 23-410, Idaho Code, and to read as follows:

11 23-410. SUBSTANCE ABUSE PRIMARY PREVENTION FUND. There is hereby
12 created in the state treasury the substance abuse primary prevention fund.
13 Moneys remitted to the substance abuse primary prevention fund by the di-
14 vision and from the tax on beer and wine are intended to be utilized for
15 substance abuse prevention services at both the state and local levels.
16 Moneys in the fund may be expended pursuant to appropriation and are in-
17 tended to assist state government and local units of government in providing
18 affordable, accessible substance abuse prevention services, including
19 training of prevention professionals working as their primary function to
20 prevent substance use by juveniles, education, information dissemination,
21 community-based processes, problem identification and referral services,
22 alternative activities, and environmental strategies. The state treasurer
23 is authorized to invest all idle moneys in the fund, and the interest earned
24 on such investment shall be returned to the fund.

25 SECTION 3. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2023.