

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 365

BY EDUCATION COMMITTEE

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-404, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISTRIBUTION OF MONEYS IN THE LIQUOR ACCOUNT.

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) From fiscal year 2006 through fiscal year 2009, forty percent (40%) of the balance remaining after transferring the amounts authorized by paragraph (a) of this subsection shall be transferred or appropriated pursuant to this paragraph ~~(b)~~. Beginning in fiscal year 2010, the percentage transferred pursuant to this paragraph ~~(b)~~ 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 paragraphs (c) (i) and (c) (ii) of this subsection;

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

(iii) ~~Six~~ Eight hundred thousand dollars (~~\$680,000~~) shall be transferred annually to the state community college account, created in section 33-2139, Idaho Code;

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

(v) Six hundred fifty thousand dollars (\$650,000) shall be transferred annually to the cooperative welfare account in the 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 that is 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) Forty percent (40%) of the balance remaining after the trans-
11 fers authorized by paragraphs (a) and (b) of this subsection have
12 been made is hereby appropriated to and shall be paid to the sev-
13 eral counties. Each county shall be entitled to an amount in the
14 proportion that liquor sales through the division in that county
15 during the state's previous fiscal year bear to total liquor sales
16 through the division in the state during the state's previous fis-
17 cal year, except that no county shall be entitled to an amount less
18 than that county received in distributions from the liquor account
19 during the state's fiscal year 1981.

20 (ii) Sixty percent (60%) of the balance remaining after the trans-
21 fers authorized by paragraphs (a) and (b) of this subsection have
22 been made is hereby appropriated to and shall be paid to the sev-
23 eral cities as follows:

24 1. Ninety percent (90%) of the amount appropriated to the
25 cities shall be distributed to those cities that have a
26 liquor store or distribution station located within the cor-
27 porate limits of the city. Each such city shall be entitled
28 to an amount in the proportion that liquor sales through the
29 division in that city during the state's previous fiscal
30 year bear to total liquor sales through the division in the
31 state during the state's previous fiscal year, except that
32 no city shall be entitled to an amount less than that city
33 received in distributions from the liquor account during the
34 state's fiscal year 1981;

35 2. Ten percent (10%) of the amount appropriated to the
36 cities shall be distributed to those cities that do not have
37 a liquor store or distribution station located within the
38 corporate limits of the city. Each such city shall be enti-
39 tled to an amount in the proportion that that city's popula-
40 tion bears to the population of all cities in the state that
41 do not have a liquor store or distribution station located
42 within the corporate limits of the city, except that no city
43 shall be entitled to an amount less than that city received
44 in distributions from the liquor account during the state's
45 fiscal year 1981.

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

1 of over-apportionment or by an increase of apportionments in the case of un-
2 der-apportionment. The decision of the director on entitlements of counties
3 and cities shall be final and shall not be subject to judicial review.