

IN THE SENATE

SENATE BILL NO. 1259

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND; AMENDING SECTION
2 19-5116, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO PROVIDE THAT CER-
3 TAIN MONEYS SHALL REVERT TO THE GENERAL FUND; AMENDING SECTION 41-406,
4 IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS SHALL BE DISTRIBUTED TO THE
5 PEACE OFFICERS STANDARDS AND TRAINING FUND; AND DECLARING AN EMERGENCY.
6

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

8 SECTION 1. That Section 19-5116, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 19-5116. PEACE OFFICERS STANDARDS AND TRAINING FUND. (a) There is
11 hereby established in the state treasury the peace officers standards and
12 training fund. All moneys deposited to the fund shall be expended by the
13 peace officer standards and training council for the following purposes:

14 (1) Training peace officers, county detention officers, and self-spon-
15 sored students within the state of Idaho, including, but not limited to,
16 sheriffs and their deputies, officers of the Idaho state police, con-
17 servation officers of the Idaho department of fish and game, emergency
18 communications officers, and city and county prosecutors and their
19 deputies;

20 (2) Salaries, costs and expenses relating to such training as provided
21 in paragraph (1) of this subsection;

22 (3) Such capital expenditures as the peace officer standards and train-
23 ing council may provide for the acquisition, construction and/or im-
24 provement of a peace officer standards and training academy; and

25 (4) Such expenditures as may be necessary to aid approved peace offi-
26 cers training programs or county detention officer programs certified
27 as having met the standards established by the peace officer standards
28 and training council.

29 (b) The peace officers standards and training fund shall be funded as
30 provided in sections 31-3201A ~~and~~, 31-3201B and 41-406(1) (e), Idaho Code.

31 (c) All contributions and other moneys and appropriations designated
32 for peace officers standards and training shall be deposited in the peace of-
33 ficers standards and training fund.

34 (d) Moneys received into the fund as provided in subsection (c) of this
35 section shall be accounted for separately.

36 (e) If the fiscal year-end balance in the fund pursuant to sections
37 31-3201A ~~and~~, 31-3201B and 41-406(1) (e), Idaho Code, exceeds ~~one~~ three mil-
38 lion dollars (~~\$1~~3,000,000), the excess shall revert to the general fund.

39 (f) Moneys received into the fund pursuant to the provisions of sec-
40 tion 31-3201D, Idaho Code, shall be used for the purposes of providing basic
41 training, continuing education and certification of misdemeanor probation

1 officers, whether those officers are employees of or by private sector con-
2 tract with a county.

3 SECTION 2. That Section 41-406, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 41-406. DEPOSIT AND REPORT OF FEES, LICENSES AND TAXES. (1) The direc-
6 tor shall transmit all taxes, fines and penalties collected by him to the
7 state treasurer as provided under section 59-1014, Idaho Code. The director
8 shall file with the state controller a statement of each deposit thus made.
9 All such funds received shall be deposited into the department of insurance
10 suspense account.

11 Such funds shall be distributed as follows:

12 (a) The director may deposit up to twenty percent (20%) of the funds
13 received in the insurance refund account which is hereby created for
14 the purpose of repaying overpayments of any taxes, fines, and penalties
15 or other erroneous receipts. There is hereby appropriated out of the
16 insurance refund account so much thereof as shall be necessary for the
17 payment of refunds. Any unencumbered balance remaining in the insur-
18 ance refund account on June 30 of each and every year in excess of forty
19 thousand dollars (\$40,000) shall be transferred to the general fund and
20 the state controller is hereby authorized and directed on such dates to
21 make such transfers unless the board of examiners, which is hereby au-
22 thorized to do so, changes the date of transfer or sum to be transferred.

23 (b) That portion of the premium tax, payable to the public employee re-
24 tirement fund as provided in section 59-1394, Idaho Code, shall be dis-
25 tributed to that fund.

26 (c) That portion of the premium tax necessary to cover administrative
27 costs incurred by the department in placing insurance companies or any
28 other insurance entities into receivership or under administrative su-
29 pervision, and such costs cannot be satisfied from the assets of these
30 companies or entities, shall be distributed to the insurance insolvency
31 administrative fund which is hereby created. There is hereby appro-
32 priated out of the insurance insolvency administrative fund so much
33 thereof as shall be necessary, but not to exceed two hundred thousand
34 dollars (\$200,000) in any one (1) fiscal year, for the payment of the
35 department's administrative expenses incurred in carrying out such re-
36 ceiverships or supervision. A balance of one hundred thousand dollars
37 (\$100,000) shall be maintained in this fund on June 30 of each year.

38 (d) After ~~all other~~ the deductions authorized in paragraphs (a) through
39 (c) of this subsection have been made, if the premium tax remaining
40 exceeds forty-five million dollars (\$45,000,000), one-fourth (1/4) of
41 such excess is hereby appropriated and shall be paid to the Idaho indi-
42 vidual high risk reinsurance pool established in chapter 55, title 41,
43 Idaho Code.

44 (e) After the deduction authorized in paragraph (d) of this subsection,
45 two million dollars (\$2,000,000) shall be distributed each year on June
46 30 to the peace officers standards and training fund established in
47 chapter 51, title 19, Idaho Code.

48 (f) The balance of the premium tax, fines and penalties shall be dis-
49 tributed to the general fund of the state of Idaho.

1 (~~fg~~) All moneys received for fees, licenses and miscellaneous charges
2 collected shall be distributed to the insurance administrative ac-
3 count.

4 (2) The director shall make and file with the state controller an item-
5 ized statement of the fees, licenses, taxes, fines and penalties collected
6 by him during the preceding month.

7 SECTION 3. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after its
9 passage and approval.