

IN THE SENATE

SENATE BILL NO. 1259, As Amended

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; REPEALING SECTION 19-5116,
6 IDAHO CODE, RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND
7 AND REPEALING SECTION 41-406, IDAHO CODE, RELATING TO THE DEPOSIT AND
8 REPORT OF FEES, LICENSES AND TAXES; AMENDING CHAPTER 19, TITLE 51, IDAHO
9 CODE, BY THE ADDITION OF A NEW SECTION 19-5116, IDAHO CODE, TO ESTABLISH
10 THE PEACE OFFICERS STANDARDS AND TRAINING FUND, TO PROVIDE FOR HOW MON-
11 EYS SHALL BE EXPENDED, DEPOSITED AND ACCOUNTED FOR AND TO PROVIDE THAT
12 CERTAIN MONEYS SHALL REVERT TO THE GENERAL FUND; AMENDING CHAPTER 4, TI-
13 TLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-406, IDAHO CODE,
14 TO PROVIDE THAT THE DIRECTOR SHALL TRANSMIT CERTAIN TAXES, FINES AND
15 PENALTIES, TO PROVIDE THAT THE DIRECTOR SHALL FILE CERTAIN STATEMENTS
16 AND TO PROVIDE FOR HOW CERTAIN FUNDS ARE DEPOSITED AND DISTRIBUTED; AND
17 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
18

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

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

22 19-5116. PEACE OFFICERS STANDARDS AND TRAINING FUND. (a) There is
23 hereby established in the state treasury the peace officers standards and
24 training fund. All moneys deposited to the fund shall be expended by the
25 peace officer standards and training council for the following purposes:

26 (1) Training peace officers, county detention officers, and self-spon-
27 sored students within the state of Idaho, including, but not limited to,
28 sheriffs and their deputies, officers of the Idaho state police, con-
29 servation officers of the Idaho department of fish and game, emergency
30 communications officers, and city and county prosecutors and their
31 deputies;

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

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

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

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

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

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

6 (e) If the fiscal year-end balance in the fund pursuant to sections
7 31-3201A ~~and~~, 31-3201B and 41-406(1) (e), Idaho Code, exceeds ~~one~~ three mil-
8 lion dollars (~~\$13,000,000~~), the excess shall revert to the general fund.

9 (f) Moneys received into the fund pursuant to the provisions of sec-
10 tion 31-3201D, Idaho Code, shall be used for the purposes of providing basic
11 training, continuing education and certification of misdemeanor probation
12 officers, whether those officers are employees of or by private sector con-
13 tract with a county.

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

16 41-406. DEPOSIT AND REPORT OF FEES, LICENSES AND TAXES. (1) The direc-
17 tor shall transmit all taxes, fines and penalties collected by him to the
18 state treasurer as provided under section 59-1014, Idaho Code. The director
19 shall file with the state controller a statement of each deposit thus made.
20 All such funds received shall be deposited into the department of insurance
21 suspense account.

22 Such funds shall be distributed as follows:

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

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

37 (c) That portion of the premium tax necessary to cover administrative
38 costs incurred by the department in placing insurance companies or any
39 other insurance entities into receivership or under administrative su-
40 pervision, and such costs cannot be satisfied from the assets of these
41 companies or entities, shall be distributed to the insurance insolvency
42 administrative fund which is hereby created. There is hereby appro-
43 priated out of the insurance insolvency administrative fund so much
44 thereof as shall be necessary, but not to exceed two hundred thousand
45 dollars (\$200,000) in any one (1) fiscal year, for the payment of the
46 department's administrative expenses incurred in carrying out such re-
47 ceiverships or supervision. A balance of one hundred thousand dollars
48 (\$100,000) shall be maintained in this fund on June 30 of each year.

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

7 (e) After the deduction authorized in paragraph (d) of this subsection,
 8 two million dollars (\$2,000,000) shall be distributed each year on June
 9 30 to the peace officers standards and training fund established in
 10 chapter 51, title 19, Idaho Code. Use of these funds shall be subject to
 11 the legislative appropriation process.

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

14 (g) All moneys received for fees, licenses and miscellaneous charges
 15 collected shall be distributed to the insurance administrative ac-
 16 count.

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

20 SECTION 3. That Sections [19-5116](#) and [41-406](#), Idaho Code, be, and the
 21 same are hereby repealed.

22 SECTION 4. That Chapter 51, Title 19, Idaho Code, be, and the same is
 23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 24 ignated as Section 19-5116, Idaho Code, and to read as follows:

25 19-5116. PEACE OFFICERS STANDARDS AND TRAINING FUND. (a) There is
 26 hereby established in the state treasury the peace officers standards and
 27 training fund. All moneys deposited to the fund shall be expended by the
 28 peace officer standards and training council for the following purposes:

29 (1) Training peace officers, county detention officers, and self-spon-
 30 sored students within the state of Idaho, including, but not limited to,
 31 sheriffs and their deputies, officers of the Idaho state police, con-
 32 servation officers of the Idaho department of fish and game, emergency
 33 communications officers, and city and county prosecutors and their
 34 deputies;

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

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

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

44 (b) The peace officers standards and training fund shall be funded as
 45 provided in sections 31-3201A and 31-3201B, Idaho Code.

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

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

3 (e) If the fiscal year-end balance in the fund pursuant to sec-
4 tions 31-3201A and 31-3201B, Idaho Code, exceeds one million dollars
5 (\$1,000,000), the excess shall revert to the general fund.

6 (f) Moneys received into the fund pursuant to the provisions of sec-
7 tion 31-3201D, Idaho Code, shall be used for the purposes of providing basic
8 training, continuing education and certification of misdemeanor probation
9 officers, whether those officers are employees of or by private sector con-
10 tract with a county.

11 SECTION 5. That Chapter 4, Title 41, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 41-406, Idaho Code, and to read as follows:

14 41-406. DEPOSIT AND REPORT OF FEES, LICENSES AND TAXES. (1) The direc-
15 tor shall transmit all taxes, fines and penalties collected by him to the
16 state treasurer as provided under section 59-1014, Idaho Code. The director
17 shall file with the state controller a statement of each deposit thus made.
18 All such funds received shall be deposited into the department of insurance
19 suspense account.

20 Such funds shall be distributed as follows:

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

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

35 (c) That portion of the premium tax necessary to cover administrative
36 costs incurred by the department in placing insurance companies or any
37 other insurance entities into receivership or under administrative su-
38 pervision, and such costs cannot be satisfied from the assets of these
39 companies or entities, shall be distributed to the insurance insolvency
40 administrative fund which is hereby created. There is hereby appro-
41 priated out of the insurance insolvency administrative fund so much
42 thereof as shall be necessary, but not to exceed two hundred thousand
43 dollars (\$200,000) in any one (1) fiscal year, for the payment of the
44 department's administrative expenses incurred in carrying out such re-
45 ceiverships or supervision. A balance of one hundred thousand dollars
46 (\$100,000) shall be maintained in this fund on June 30 of each year.

47 (d) After all other deductions authorized in this section have been
48 made, if the premium tax remaining exceeds forty-five million dollars
49 (\$45,000,000), one-fourth (1/4) of such excess is hereby appropriated

1 and shall be paid to the Idaho individual high risk reinsurance pool
2 established in chapter 55, title 41, Idaho Code.

3 (e) The balance of the premium tax, fines and penalties shall be dis-
4 tributed to the general fund of the state of Idaho.

5 (f) All moneys received for fees, licenses and miscellaneous charges
6 collected shall be distributed to the insurance administrative ac-
7 count.

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

11 SECTION 6. An emergency existing therefor, which emergency is hereby
12 declared to exist, Sections 1 and 2 of this act shall be in full force and ef-
13 fect on and after passage and approval. Sections 3, 4 and 5 of this act shall
14 be in full force and effect on and after July 1, 2020.