

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 469

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND; AMENDING SECTION
2 19-5116, IDAHO CODE, TO PROVIDE REFERENCE TO A CERTAIN ACCOUNT; AMEND-
3 ING SECTION 23-404, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS SHALL BE
4 DISTRIBUTED TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND AND TO
5 MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING
6 AN EFFECTIVE DATE.
7

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

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

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

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

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

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

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

30 (b) The peace officers standards and training fund shall be funded as
31 provided in sections 31-3201A ~~and~~, 31-3201B, and 23-404, Idaho Code.

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

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

37 (e) If the fiscal year-end balance in the fund pursuant to sections
38 31-3201A ~~and~~, 31-3201B, and 23-404, Idaho Code, exceeds one million dollars
39 (\$1,000,000), the excess shall revert to the general fund.

40 (f) Moneys received into the fund pursuant to the provisions of sec-
41 tion 31-3201D, Idaho Code, shall be used for the purposes of providing basic
42 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 23-404, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys re-
6 ceived into the liquor account shall be transferred or appropriated as fol-
7 lows:

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

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

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

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

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

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

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

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

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

45 (viii) The balance shall be transferred to the general fund, after
46 one and one-half percent (1.5%) of such balance is transferred to
47 the peace officers standards and training fund created in section
48 19-5116, Idaho Code.

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

3 (i) For fiscal year 2018, forty percent (40%) of the balance re-
4 maining after the transfers authorized by paragraphs (a) and (b)
5 of this subsection have been made is hereby appropriated to and
6 shall be paid to the several counties. For fiscal year 2019, the
7 amount apportioned to counties shall decrease to thirty-nine and
8 two-tenths percent (39.2%) with a decrease of eight-tenths per-
9 cent (.8%) for each subsequent fiscal year thereafter until fiscal
10 year 2023 when such percentage shall be thirty-six percent (36%).
11 Each county shall be entitled to an amount in the proportion
12 that liquor sales through the division in that county during the
13 state's previous fiscal year bear to total liquor sales through
14 the division in the state during the state's previous fiscal year,
15 except that no county shall be entitled to an amount less than that
16 county received in distributions from the liquor account during
17 the state's fiscal year 1981.

18 (ii) For fiscal year 2018, sixty percent (60%) of the balance re-
19 maining after the transfers authorized by paragraphs (a) and (b)
20 of this subsection have been made is hereby appropriated to and
21 shall be paid to the several cities. For fiscal year 2019, the
22 amount apportioned to the several cities shall decrease to fifty-
23 seven and eight-tenths percent (57.8%) with a decrease of two and
24 two-tenths percent (2.2%) for each subsequent fiscal year there-
25 after until fiscal year 2023 when such percentage shall be forty-
26 nine percent (49%). Amounts paid to the several cities shall be
27 distributed as follows:

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

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

1 (iii) For fiscal year 2019, an additional amount of three percent
2 (3%) of the balance remaining after the transfers authorized by
3 paragraphs (a) and (b) of this subsection have been made is hereby
4 appropriated to the several counties for deposit in the district
5 court fund. Such funds shall be dedicated to provide for the suit-
6 able and adequate quarters of the magistrate division of the dis-
7 trict court, including the facilities and equipment necessary to
8 make the space provided functional for its intended use, and shall
9 provide for the staff personnel, supplies and other expenses of
10 the magistrate division. For fiscal year 2020, the amount appor-
11 tioned to the several counties for deposit in the district court
12 fund shall be six percent (6%) with an increase of three percent
13 (3%) for each subsequent year until fiscal year 2023 when such per-
14 centage shall be fifteen percent (15%). Amounts paid to the sev-
15 eral counties shall be distributed as follows:

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

19 2. Fifty percent (50%) of the remaining funds shall be dis-
20 tributed to the forty-four (44) counties in proportion to
21 the population of the county in relation to the population of
22 the state; and

23 3. Fifty percent (50%) of the remaining funds shall be dis-
24 tributed to the forty-four (44) counties in proportion to
25 the number of misdemeanor and infraction filings initiated
26 by city law enforcement officers in the county during the
27 state's previous fiscal year in relation to the proportion
28 of the number of misdemeanor and infraction filings initi-
29 ated by all city law enforcement officers in the state.

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

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

43 SECTION 3. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after
45 July 1, 2022.