

TITLE 23  
ALCOHOLIC BEVERAGES

CHAPTER 4  
LIQUOR FUND

23-401. LIQUOR ACCOUNT CREATED. The state treasurer shall be custodian of an account in the agency asset fund, which is hereby created, to be known as the "liquor account," into which shall be paid all revenues derived from sales of alcoholic beverages and other merchandise, excise taxes, licenses, permits, fees, profits on sales, sales of equipment and supplies, and all other moneys accruing or received under any of the provisions of this act. All moneys, properties, buildings, plants, apparatus, real estate, securities acquired by or through the moneys belonging to the liquor account, including interest earned thereon, shall be the property of the liquor account.

[23-401, added 1939, ch. 222, sec. 701, p. 465; am. 1982, ch. 255, sec. 2, p. 655; am. 2006, ch. 18, sec. 4, p. 70.]

23-402. APPROPRIATION. All moneys appropriated for, accruing to, or received by said fund are hereby appropriated for the purpose of this act for the purchase of alcoholic liquor, and the purchase of other nonalcohol merchandise sold through the division and payment of expenses of administration and operation of the division, and the same shall be paid out by the state treasurer only upon vouchers prepared and certified to by the division and approved by the state board of examiners.

[23-402, added 1939, ch. 222, sec. 702, p. 465; am. 2006, ch. 18, sec. 5, p. 70; am. 2009, ch. 23, sec. 29, p. 60.]

23-403. RESERVE. No distribution of any surplus from the liquor fund shall be made as provided in the following section, unless there shall be moneys in said fund after setting aside and reserving the following:

(a) Funds sufficient to pay all current obligations of the division.

(b) A cash reserve of fifty thousand dollars (\$50,000) over and above all other assets.

[23-403, added 1939, ch. 222, sec. 703, p. 465; am. 2009, ch. 23, sec. 30, p. 61.]

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. Beginning in fiscal year 2010, the percentage transferred pursuant to this paragraph 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 paragraph (c) (i) and (ii) of this subsection;

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

(iii) Eight hundred thousand dollars (\$800,000) 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;

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

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

(viii) The balance shall be transferred to the general fund.

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

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

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

1. Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities that have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the division in that city during the state's previous fiscal year bear to total liquor sales through the division in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981;

2. Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities that do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that that city's population bears to the population of all cities in the state that do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(iii) For fiscal year 2019, an additional amount of three percent (3%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to the several counties for deposit in the district court fund. Such funds shall be dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division. For fiscal year 2020, the amount apportioned to the several counties for deposit in the district court fund shall be six percent (6%) with an increase of three percent (3%) for each subsequent year until fiscal year 2023 when such percentage shall be fifteen percent (15%). Amounts paid to the several counties shall be distributed as follows:

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

2. Fifty percent (50%) of the remaining funds shall be distributed to the forty-four (44) counties in proportion to the population of the county in relation to the population of the state using the American community survey, one (1) year estimate, United States census bureau; and

3. Fifty percent (50%) of the remaining funds shall be distributed to the forty-four (44) counties in proportion to the number of misdemeanor and infraction citations issued by city law enforcement officers in the county in relation to the proportion of the number of misdemeanor and infraction citations issued by all city law enforcement officers in the state.

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

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

[23-404, added 1982, ch. 255, sec. 4, p. 655; am. 1983, ch. 117, sec. 2, p. 259; am. 1984, ch. 120, sec. 1, p. 277; am. 1994, ch. 180, sec. 37, p. 451; am. 2006, ch. 289, sec. 1, p. 886; am. 2007, ch. 141, sec. 1, p. 407; am. 2008, ch. 252, sec. 1, p. 738; am. 2009, ch. 23, sec. 31, p. 61; am. 2013, ch. 187, sec. 1, p. 447; am. 2018, ch. 87, sec. 1, p. 191; am. 2018, ch. 264, sec. 2, p. 630.]

23-406. ADMINISTRATIVE EXPENSE. Claims for salaries, wages, and other compensation, premiums on official bonds, traveling and other expenses of the director and other officers and employees, and all other expenditures made by the division in the exercise of its powers hereunder shall be paid from the liquor fund [account] as a part of the cost of the administration of this act.

[23-406, added 1939, ch. 222, sec. 706, p. 465; am. 1941, ch. 10, sec. 10, p. 20; am. 2009, ch. 23, sec. 32, p. 62; am. 2012, ch. 113, sec. 13, p. 315.]

23-407. DEPOSIT OF REVENUE. It shall be the duty of all special distributors, officers, agents, and employees to report and pay over to the division, in such manner and pursuant to such rules as may be adopted by it, all revenues derived from the sale of alcoholic beverages, all revenues derived from the sale of all other merchandise sold on behalf of the division, excise taxes, licenses, permits, fees, profits on sales, or other revenues resulting from the operation of this act, and the division shall deposit the same with the state treasurer to the credit of the liquor fund [account].

[23-407, added 1939, ch. 222, sec. 707, p. 465; am. 2006, ch. 18, sec. 6, p. 70; am. 2009, ch. 23, sec. 33, p. 63.]

23-408. SUBSTANCE ABUSE TREATMENT FUND. There is hereby created in the state treasury, the substance abuse treatment fund. Moneys remitted to the substance abuse treatment fund by the division and from the tax on beer and wine are intended to be utilized for substance abuse treatment services at both the state and local levels. Moneys in the fund may be expended pursuant to appropriation and are intended to assist state government and local units of government in providing affordable, accessible substance abuse treatment services, including crisis intervention and detoxification services, inpatient and outpatient treatment services, and recovery support services for all Idaho residents. The state treasurer is authorized to invest all idle moneys in the fund and the interest earned on such investment shall be returned to the fund.

[23-408, added 2007, ch. 141, sec. 2, p. 409; am. 2009, ch. 23, sec. 34, p. 63.]

23-409. DRUG AND MENTAL HEALTH COURT SUPERVISION FUND. There is hereby created in the state treasury, the drug and mental health court supervision fund. Moneys remitted to the drug and mental health court supervision fund by the division are intended to be utilized by the Idaho department of correction for the supervision of offenders sentenced to drug or mental health court. Moneys in the fund may be expended pursuant to appropriation and are intended to assist the courts in managing and monitoring this high-risk and high-need population. The state treasurer is authorized to invest all idle moneys in the fund and the interest earned on such investment shall be returned to the fund.

[23-409, added 2007, ch. 141, sec. 3, p. 409; am. 2009, ch. 23, sec. 35, p. 63.]