

**FUNDING FORMULA FOR ALCOHOL
OFFENSES ENFORCEMENT**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO ALCOHOLIC BEVERAGES; REQUIRING REPORTING ON THE USE OF CERTAIN MONIES; PROVIDING CERTAIN PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

32A-1-115, as last amended by Chapter 301, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32A-1-115** is amended to read:

32A-1-115. Appropriation from the General Fund to municipalities and counties for law enforcement and treatment -- Distribution to municipalities and counties.

(1) (a) The Legislature shall [~~provide an appropriation from the General Fund from liquor control profits to cities, towns, and counties and~~] annually appropriate to municipalities and counties an amount not to exceed \$4,350,000 from the revenues in the General Fund generated by:

(i) liquor control profits; and

(ii) proceeds of the beer excise tax [under] deposited in the General Fund in accordance with Section [59-15-101 in an amount not exceeding \$4,350,000] 59-15-109.

(b) (i) The appropriation under Subsection (1)(a) shall be used exclusively for programs or projects related to prevention, treatment, detection, prosecution, and control of violations of this title and other [~~alcohol-related~~] offenses in which alcohol is a contributing factor except as provided in Subsection (1)(b)(ii).

(ii) The portion distributed under this section to counties [shall] may also be used for the confinement or [rehabilitation, and construction and maintenance of facilities for confinement or rehabilitation,] treatment of persons arrested for or convicted of [alcohol-related] offenses in which alcohol is a contributing factor.

(iii) Any ~~[city, town,]~~ municipality or county entitled to receive funds shall use the funds exclusively as required by this Subsection (1)(b).

(c) The appropriation provided for under Subsection (1)(a) is intended to supplement the budget of the ~~[law enforcement]~~ appropriate agencies of each ~~[city, town,]~~ municipality and county within the state to enable the ~~[cities, towns,]~~ municipalities and counties to more effectively ~~[enforce the liquor laws of the state and alcohol-related offenses]~~ fund the programs and projects described under Subsection (1)(b). The appropriation is not intended to replace funds that would otherwise be allocated for ~~[law enforcement and confinement or rehabilitation or both, of persons arrested for or convicted of alcohol-related offenses]~~ those programs and projects.

(2) The ~~[amount of \$4,350,000]~~ appropriation provided for in Subsection (1)(a) shall be distributed to ~~[cities, towns,]~~ municipalities and counties on the following basis:

(a) 25% to ~~[cities, towns,]~~ municipalities and counties based upon the percentage of the state population ~~[located]~~ residing in each ~~[city, town,]~~ municipality and county;

(b) 30% to ~~[cities, towns,]~~ municipalities and counties based upon each ~~[city, town,]~~ municipality and county's percentage of the statewide convictions for all alcohol-related offenses;

(c) 20% to ~~[cities, towns,]~~ municipalities and counties based upon the percentage of all state stores, package agencies, liquor licensees, and beer licensees in the state which are located in each ~~[city, town,]~~ municipality and county; and

(d) 25% to the counties for confinement and ~~[rehabilitation and confinement and rehabilitation facilities]~~ treatment purposes authorized in this section based upon the percentage of the state population located in each county.

(3) To determine the amount of the 30% due each ~~[city, town,]~~ municipality and county based on convictions described in Subsection (2)(b), the State Tax Commission semiannually shall:

(a) double the total number of convictions in the state obtained between July 1, 1982, and June 30, 1983, and during the same period in succeeding years for violation of Section 41-6-44, or an ordinance that complies with the requirements of Subsection 41-6-43(1) or Section 76-5-207, and to that number, add the number of convictions obtained during the same period for all other alcohol-related offenses;

(b) divide the figure equal to the 30% due each [~~city, town,~~] municipality and county by the sum obtained in Subsection(a), to obtain the quotient for alcohol-related offenses statewide; and

(c) multiply the quotient obtained in Subsection (b), by the number of convictions obtained in each [~~city, town,~~] municipality and county between July 1, 1982 and June 30, 1983, and for the same period in succeeding years, for violation of Section 41-6-44, or an ordinance that complies with the requirements of Subsection 41-6-43(1) or Section 76-5-207, and for all other alcohol-related offenses to determine the total revenue due each entity, based on convictions. The number of convictions for purposes of this Subsection shall be determined in the manner prescribed in Subsection (3)(a).

(4) For purposes of this section, the number of state stores, package agencies, and licensees located within the limits of each [~~city, town,~~] municipality and county is the number determined by the department to be so located, and includes all private clubs, restaurants, airport lounges, package agencies, and state stores, but not on-premise beer retailer licensees. For purposes of this section, the number of state stores, package agencies, and licensees in a county consists only of that number located within unincorporated areas of the county.

(5) (a) Population figures, for the purposes of this section, shall be determined according to the [~~last decennial census taken by the United States Department of Commerce, or its five-year update, whichever is more recent~~] most current population estimates prepared by the Office of Planning and Budget.

[~~If population estimates are not made for any county, city, or town by the United States Bureau of Census, population figures shall be determined according to the biennial estimate from the Utah Population Estimates Committee.~~]

(b) A county's population figure for the 25% distribution to [~~cities, towns,~~] municipalities and counties shall be determined only with reference to the population in the unincorporated areas of the county, and a county's population figure for the 25% distribution to counties only shall be determined with reference to the total population in the county, including that of [~~cities and towns~~] municipalities.

(6) (a) For purposes of this section, a conviction occurs in the [~~city, town,~~] municipality or

county that actually prosecutes the offense to judgment. In the case of a conviction based upon a guilty plea, the [city, town,] municipality or county that, except for the guilty plea, would have prosecuted the offense is entitled to credit for the conviction.

(b) For purposes of this section, "alcohol-related offense" means a violation of Section 41-6-44, or an ordinance that complies with the requirements of Subsection 41-6-43(1) or Section 76-5-207, or an offense involving the illegal sale, distribution, transportation, possession, or consumption of alcohol.

(7) [Payments] Except as provided in Subsection (9), payments under this section shall be made semiannually to each [city, town,] municipality and county.

(8) (a) The state court administrator, not later than September 1 each year, shall certify to the State Tax Commission the number of convictions obtained for violation of Section 41-6-44, an ordinance that complies with the requirements of Subsection 41-6-43(1), or Section 76-5-207, and for other alcohol-related offenses in each [city, town,] municipality or county in the state during the period specified in Subsection (3)(a), and for the same period each succeeding year.

(b) The State Tax Commission shall prepare forms for use by [cities, towns,] municipalities and counties in applying for revenues. The forms may require the submission of information the State Tax Commission considers necessary to enable it to comply with this section.

(9) A municipality or county that receives any monies under this section during a fiscal year shall report to the Utah Substance Abuse and Anti-Violence Coordinating Council created in Section 63-25a-201 by no later than October 1 following the fiscal year:

(a) the programs or projects of the municipality or county that receive monies under this section;

(b) if the monies for programs or projects were exclusively used as required by Subsection (1)(b);

(c) indicators of whether the programs or projects that receive monies under this section are effective;

(d) if any monies received under this section were not expended by the municipality or county; and

(e) a signature of the chief executive officer of the county or municipality attesting that the monies received under this section were used in addition to any monies appropriated or otherwise available for the local government's law enforcement and were not used to supplant those monies.

(10) (a) The Utah Substance Abuse and Anti-Violence Coordinating Council may, by a majority vote:

(i) suspend future payments under Subsection (7) to a municipality or county that does not file a report that meets the requirements of Subsection (9); and

(ii) cancel the suspension under Subsection (10)(a)(i).

(b) The State Tax Commission shall retain monies that a municipality or county does not receive under Subsection (10)(a) and notify the Utah Substance Abuse and Anti-Violence Coordinating Council of the balance after each semiannual payment under Subsection (7).

(c) The Utah Substance Abuse and Anti-Violence Coordinating Council shall award the balance under Subsection (10)(b) as grants to any county or municipality or to the Department of Public Safety, as prioritized by a majority vote.

(d) The Utah Substance Abuse and Anti-Violence Coordinating Council shall notify the State Tax Commission of any changes under Subsection (10)(a) or grants awarded under Subsection (10)(c).

(e) The State Tax Commission shall make payments of grants upon receiving notice as provided under Subsection (10)(d).

Section 2. Effective date.

This act takes effect on July 1, 1999.