

**ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT
RESTRICTED ACCOUNT DISTRIBUTION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address distributions from the Alcoholic Beverage Enforcement and Treatment Restricted Account.

Highlighted Provisions:

This bill:

- ▶ addresses in general the purposes for which distributed money may be used;
- ▶ addresses specifically how counties may use distributed money; and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-2-403, as enacted by Laws of Utah 2010, Chapter 276

32B-2-404, as last amended by Laws of Utah 2011, Chapter 307

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

Section 1. Section **32B-2-403** is amended to read:



28 **32B-2-403. Alcoholic Beverage Enforcement and Treatment Restricted Account**
29 **created.**

30 (1) (a) There is created in the General Fund a restricted account known as the
31 "Alcoholic Beverage Enforcement and Treatment Restricted Account."

32 (b) The account is funded from:

33 (i) money deposited by the state treasurer in accordance with Section 59-15-109;

34 (ii) appropriations made to the account by the Legislature; and

35 (iii) interest described in Subsection (1)(c).

36 (c) Interest earned on the account shall be deposited into the account.

37 (2) (a) Consistent with the policies provided in Subsection 32B-1-103(4)(b), money in
38 the account shall be used for statewide public purposes, including promoting the reduction of
39 the harmful effects of over consumption of alcoholic products by an adult and alcohol
40 consumption by minors, by exclusively funding:

41 (i) programs or projects related to prevention, ~~[treatment,]~~ detection, ~~[prosecution,]~~ and
42 control of violations of this title and other offenses in which alcohol is a contributing factor
43 ~~[except as provided in Subsection (2)(b).]; and~~

44 ~~[(b) The portion distributed under this part to a county may also be used for the~~
45 ~~confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a~~
46 ~~contributing factor.]~~

47 (ii) the prosecution, treatment, and confinement of persons arrested for or convicted of
48 offenses in which alcohol is a contributing factor.

49 ~~[(c)]~~ (b) A municipality or county entitled to receive money shall use the money
50 exclusively as required by this Subsection (2).

51 (3) The appropriations provided for under Section 32B-2-404 are:

52 (a) intended to supplement the budget of the appropriate agencies of each municipality
53 and county within the state to enable the municipalities and counties to more effectively fund
54 the programs and projects described in Subsection (2); and

55 (b) not intended to replace money that would otherwise be allocated for the programs
56 and projects in Subsection (2).

57 Section 2. Section **32B-2-404** is amended to read:

58 **32B-2-404. Alcoholic Beverage Enforcement and Treatment Restricted Account**

59 **distribution.**

60 (1) (a) The money deposited into the account under Section 32B-2-403 shall be
61 distributed to municipalities and counties:

62 (i) to the extent appropriated by the Legislature, except that the Legislature shall
63 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
64 accordance with Section 59-15-109; and

65 (ii) as provided in this Subsection (1).

66 (b) The amount appropriated from the account shall be distributed as follows:

67 (i) 25% to municipalities and counties on the basis of the percentage of the state
68 population residing in each municipality and county;

69 (ii) 30% to municipalities and counties on the basis of each municipality's and county's
70 percentage of the statewide convictions for all alcohol-related offenses;

71 (iii) 20% to municipalities and counties on the basis of the percentage of the following
72 in the state that are located in each municipality and county:

73 (A) state stores;

74 (B) package agencies;

75 (C) retail licensees; and

76 (D) off-premise beer retailers; and

77 (iv) 25% to the counties [~~for confinement and treatment purposes authorized by this~~
78 ~~part~~] on the basis of the percentage of the state population located in each county.

79 (c) (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law
80 enforcement agency:

81 (A) the municipality may not receive money under this part; and

82 (B) the State Tax Commission:

83 (I) may not distribute the money the municipality would receive but for the
84 municipality not having a law enforcement agency to that municipality; and

85 (II) shall distribute the money that the municipality would have received but for it not
86 having a law enforcement agency to the county in which the municipality is located for use by
87 the county in accordance with this part.

88 (ii) If the advisory council finds that a municipality described in Subsection (1)(c)(i)
89 demonstrates that the municipality can use the money that the municipality is otherwise eligible

90 to receive in accordance with this part, the advisory council may direct the State Tax
91 Commission to distribute the money to the municipality.

92 (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax
93 Commission shall annually:

94 (a) for an annual conviction time period:

95 (i) multiply by two the total number of convictions in the state obtained during the
96 annual conviction time period for violation of:

97 (A) Section 41-6a-502; or

98 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or
99 Section 76-5-207; and

100 (ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions
101 obtained during the annual conviction time period for the alcohol-related offenses other than
102 the alcohol-related offenses described in Subsection (2)(a)(i);

103 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
104 obtained in Subsection (2)(a); and

105 (c) multiply the amount calculated under Subsection (2)(b), by the number of
106 convictions obtained in each municipality and county during the annual conviction time period
107 for alcohol-related offenses.

108 (3) By not later than September 1 each year:

109 (a) the state court administrator shall certify to the State Tax Commission the number
110 of convictions obtained for alcohol-related offenses in each municipality or county in the state
111 during the annual conviction time period; and

112 (b) the advisory council shall notify the State Tax Commission of any municipality that
113 does not have a law enforcement agency.

114 (4) By not later than December 1 of each year, the advisory council shall notify the
115 State Tax Commission for the fiscal year of appropriation of:

116 (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);

117 (b) a county that may receive a distribution allocated to a municipality described in
118 Subsection (1)(c)(i);

119 (c) a municipality or county that may not receive a distribution because the advisory
120 council has suspended the payment under Subsection 32B-2-405(2)(a); and

121 (d) a municipality or county that receives a distribution because the suspension of
122 payment has been cancelled under Subsection 32B-2-405(2).

123 (5) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
124 Commission shall annually distribute to each municipality and county the portion of the
125 appropriation that the municipality or county is eligible to receive under this part, except for
126 any municipality or county that the advisory council notifies the State Tax Commission in
127 accordance with Subsection (4) may not receive a distribution in that fiscal year.

128 (b) (i) The State Tax Commission shall prepare forms for use by a municipality or
129 county in applying for a distribution under this part.

130 (ii) A form described in this Subsection (5) may require the submission of information
131 the State Tax Commission considers necessary to enable the State Tax Commission to comply
132 with this part.

Legislative Review Note

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Office of Legislative Research and General Counsel