

Effective 7/1/2014

32B-2-404 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account distribution.

- (1)
 - (a) The money deposited into the account under Section 32B-2-403 shall be distributed to municipalities and counties:
 - (i) to the extent appropriated by the Legislature, except that the Legislature shall appropriate each fiscal year an amount equal to at least the amount deposited in the account in accordance with Section 59-15-109; and
 - (ii) as provided in this Subsection (1).
 - (b) The amount appropriated from the account shall be distributed as follows:
 - (i) 25% to municipalities and counties on the basis of the percentage of the state population residing in each municipality and county;
 - (ii) 30% to municipalities and counties on the basis of each municipality's and county's percentage of the statewide convictions for all alcohol-related offenses;
 - (iii) 20% to municipalities and counties on the basis of the percentage of the following in the state that are located in each municipality and county:
 - (A) state stores;
 - (B) package agencies;
 - (C) retail licensees; and
 - (D) off-premise beer retailers; and
 - (iv) 25% to the counties for confinement and treatment purposes authorized by this part on the basis of the percentage of the state population located in each county.
 - (c)
 - (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law enforcement agency:
 - (A) the municipality may not receive money under this part; and
 - (B) the State Tax Commission:
 - (I) may not distribute the money the municipality would receive but for the municipality not having a law enforcement agency to that municipality; and
 - (II) shall distribute the money that the municipality would have received but for it not having a law enforcement agency to the county in which the municipality is located for use by the county in accordance with this part.
 - (ii) If the advisory council finds that a municipality described in Subsection (1)(c)(i) demonstrates that the municipality can use the money that the municipality is otherwise eligible to receive in accordance with this part, the advisory council may direct the State Tax Commission to distribute the money to the municipality.
- (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax Commission shall annually:
 - (a) for an annual conviction time period:
 - (i) multiply by two the total number of convictions in the state obtained during the annual conviction time period for violation of:
 - (A) Section 41-6a-502; or
 - (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or Section 76-5-207; and
 - (ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions obtained during the annual conviction time period for the alcohol-related offenses other than the alcohol-related offenses described in Subsection (2)(a)(i);

- (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum obtained in Subsection (2)(a); and
 - (c) multiply the amount calculated under Subsection (2)(b), by the number of convictions obtained in each municipality and county during the annual conviction time period for alcohol-related offenses.
- (3) By not later than September 1 each year:
- (a) the state court administrator shall certify to the State Tax Commission the number of convictions obtained for alcohol-related offenses in each municipality or county in the state during the annual conviction time period; and
 - (b) the advisory council shall notify the State Tax Commission of any municipality that does not have a law enforcement agency.
- (4) By not later than December 1 of each year, the advisory council shall notify the State Tax Commission for the fiscal year of appropriation of:
- (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);
 - (b) a county that may receive a distribution allocated to a municipality described in Subsection (1)(c)(i);
 - (c) a municipality or county that may not receive a distribution because the advisory council has suspended the payment under Subsection 32B-2-405(2)(a); and
 - (d) a municipality or county that receives a distribution because the suspension of payment has been cancelled under Subsection 32B-2-405(2).
- (5)
- (a) By not later than January 1 of the fiscal year of appropriation, the State Tax Commission shall annually distribute to each municipality and county the portion of the appropriation that the municipality or county is eligible to receive under this part, except for any municipality or county that the advisory council notifies the State Tax Commission in accordance with Subsection (4) may not receive a distribution in that fiscal year.
 - (b)
 - (i) The advisory council shall prepare forms for use by a municipality or county in applying for a distribution under this part.
 - (ii) A form described in this Subsection (5) may require the submission of information the advisory council considers necessary to enable the State Tax Commission to comply with this part.

Amended by Chapter 119, 2014 General Session