

**FUNDING FORMULA FOR ALCOHOL  
OFFENSES ENFORCEMENT**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Nora B. Stephens**

AN ACT RELATING TO ALCOHOLIC BEVERAGES; AMENDING THE DISTRIBUTION OF TAXES AND LIQUOR PROFITS; REQUIRING REPORTING ON THE USE OF MONIES; 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 rehabilitation -- 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].

(b) (i) The appropriation under Subsection (1)(a) shall be used exclusively for programs or projects related to prevention, 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

28 rehabilitation,] of persons arrested for or convicted of [alcohol-related] offenses in which alcohol  
29 is a contributing factor.

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

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

38 (2) The [amount of \$4,350,000] appropriation provided for in Subsection (1)(a) shall be  
39 distributed to [cities, towns,] municipalities and counties [on the following basis: (a) 25% to  
40 cities, towns, and counties] based upon the percentage of the state population located in each [city,  
41 town,] municipality and county[;].

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

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

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

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

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

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

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

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

72           ~~[(5)]~~ (3) (a) Population figures, for the purposes of this section, shall be determined  
73 according to the ~~[last decennial census taken by the United States Department of Commerce, or~~  
74 ~~its five-year update, whichever is more recent]~~ current population estimates prepared by the Office  
75 of Planning and Budget.

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

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

83           ~~[(6) (a) For purposes of this section, a conviction occurs in the city, town, or county that~~  
84 ~~actually prosecutes the offense to judgment. In the case of a conviction based upon a guilty plea,~~  
85 ~~the city, town, or county that, except for the guilty plea, would have prosecuted the offense is~~  
86 ~~entitled to credit for the conviction.]~~

87           ~~[(b) For purposes of this section, "alcohol-related offense" means a violation of Section~~  
88 ~~41-6-44, or an ordinance that complies with the requirements of Subsection 41-6-43(1) or Section~~  
89 ~~76-5-207, or an offense involving the illegal sale, distribution, transportation, possession, or~~

90 consumption of alcohol.]

91 ~~[(7)]~~ (4) Payments under this section shall be made semiannually to each [city, town,]  
92 municipality and county.

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

98 ~~[(b)]~~ (5) The State Tax Commission shall prepare forms for use by [cities, towns,]  
99 municipalities and counties in applying for revenues. The forms may require the submission of  
100 information the State Tax Commission considers necessary to enable it to comply with this section.

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

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

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

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

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

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

115 (b) A municipality or county that does not file a report that meets the requirements of  
116 Subsection (6)(a) may not receive monies under this section in the subsequent fiscal year.

117 (i) The determination under Subsection (6)(b) shall be by a majority vote of the Utah  
118 Substance Abuse and Anti-Violence Coordinating Council.

119 (ii) The monies that a municipality or county does not receive under this Subsection (b)  
120 shall be distributed as grants as prioritized by a majority vote of the Utah Substance Abuse and

121 Anti-Violence Coordinating Council.  
122 (iii) Law enforcement agencies in the state, including the Department of Public Safety,  
123 may apply for the grant monies available under this Subsection (b).  
124 Section 2. **Effective date.**  
125 This act takes effect on July 1, 1999.

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**Legislative Review Note**  
**as of 12-8-98 1:12 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**