

1                   **JAIL REIMBURSEMENT FUNDING AMENDMENTS**

2                                   2012 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: John L. Valentine**

5                                   House Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends Title 59, Chapter 15, Beer Tax, to provide that beer tax revenues that  
10 are currently deposited into the General Fund shall be appropriated to the Department  
11 of Administrative Services for the Jail Reimbursement program, to replace a portion of  
12 the funds currently appropriated from the general fund for that program.

13 **Highlighted Provisions:**

14       This bill:

- 15       ▶ provides that, after the currently designated portion of beer tax revenue is deposited  
16 into the Alcoholic Beverage Enforcement and Treatment Restricted Account, the  
17 remainder of the revenue collected shall be appropriated to the Department of  
18 Administrative Services for the Jail Reimbursement program;
- 19       ▶ expresses legislative intent that the amount appropriated under the preceding  
20 paragraph shall replace a portion of the funding currently appropriated from the  
21 General Fund to the Jail Reimbursement program; and
- 22       ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24       None

25 **Other Special Clauses:**

26       None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **59-15-109**, as last amended by Laws of Utah 2011, Chapter 281

30 **64-13e-104**, as last amended by Laws of Utah 2009, Chapter 56

31 **Uncodified Material Affected:**

32 ENACTS UNCODIFIED MATERIAL



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

35 Section 1. Section **59-15-109** is amended to read:

36 **59-15-109. Tax money to be paid to state treasurer.**

37 (1) Taxes collected under this chapter shall be paid by the commission to the state  
38 treasurer daily for deposit as follows:

39 (a) the greater of the following shall be deposited into the Alcoholic Beverage  
40 Enforcement and Treatment Restricted Account created in Section 32B-2-403:

41 (i) an amount calculated by:

42 (A) determining an amount equal to 40% of the revenue collected for the fiscal year  
43 two years preceding the fiscal year for which the deposit is made; and

44 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

45 (ii) \$4,350,000; and

46 (b) the revenue collected in excess of the amount deposited in accordance with  
47 Subsection (1)(a) shall be ~~[deposited into the General Fund]~~ appropriated to the Department of  
48 Administrative Services for the Jail Reimbursement program.

49 (2) (a) The commission shall notify the entities described in Subsection (2)(b) not later  
50 than the September 1 preceding the fiscal year of the deposit of:

51 (i) the amount of the proceeds of the beer excise tax collected in accordance with this  
52 section for the fiscal year two years preceding the fiscal year of deposit; and

53 (ii) an amount equal to 40% of the amount listed in Subsection (2)(a)(i).

54 (b) The notification required by Subsection (2)(a) shall be sent to:

55 (i) the Governor's Office of Planning and Budget; and

56 (ii) the Legislative Fiscal Analyst.

57 Section 2. Section **64-13e-104** is amended to read:

58 **64-13e-104. Housing of state probationary inmates or state parole inmates --**

59 **Payment.**

60 (1) (a) A county shall accept and house a state probationary inmate or a state parole  
61 inmate in a county correctional facility, subject to available resources.

62 (b) If a county is unable to accept a person due to lack of resources, the county shall  
63 negotiate with another county to accept and house the person.

64 (2) Within funds appropriated by the Legislature for this purpose, including those  
65 funds appropriated under Subsection 59-15-109(1)(b), the Division of Finance shall pay a  
66 county that houses a state probationary inmate or a state parole inmate at a rate of 50% of the  
67 final state daily incarceration rate.

68 (3) [~~Funds appropriated by the Legislature under~~] Appropriated funds described in  
69 Subsection (2):

70 (a) are nonlapsing;

71 (b) may only be used for the purposes described in Subsection (2); and

72 (c) may not be used for:

73 (i) the costs of administering the payment described in this section; or

74 (ii) payment of contract costs under Section 64-13e-103.

75 (4) The costs described in Subsection (3)(c)(i) shall be covered by a separate legislative  
76 appropriation.

77 (5) (a) The Division of Finance shall administer the payment described in Subsection  
78 (2).

79 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,  
80 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the  
81 payment described in Subsection (2).

82 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount  
83 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total  
84 amount of the payments made does not exceed the amount [~~appropriated by the Legislature for~~  
85 ~~the payments~~] of the appropriations described in Subsection (2).

86 (6) Counties that receive the payment described in Subsection (2) shall, on at least a  
87 monthly basis, submit a report to CCJJ that includes:

88 (a) the number of state probationary inmates and state parole inmates the county  
89 housed under this section; and

90 (b) the total number of state probationary inmate days of incarceration and state parole  
91 inmate days of incarceration that were provided by the county.

92 (7) (a) On or before September 1 of each year, CCJJ shall compile the information  
93 from the reports described in Subsection (6) that relate to the preceding state fiscal year and  
94 provide a copy of the compilation to each county that submitted a report.

95 (b) On or before September 30 of each year, CCJJ shall inform the Division of Finance  
96 and each county of the exact amount of the payment described in this section that shall be made  
97 to each county.

98 (8) On or before December 15 of each year, the Division of Finance shall distribute the  
99 payment described in Subsection (7)(b) in a single payment to each county.

100 (9) The amount paid to each county under Subsection (8) shall be calculated on a pro  
101 rata basis, based on the number of state probationary inmate days of incarceration and state  
102 parole inmate days of incarceration that were provided by each county for the preceding state  
103 fiscal year.

104 Section 3. **Legislative intent.**

105 It is the intent of the Legislature that the amount appropriated under Subsection  
106 59-15-109(1)(b) shall replace a portion of the funding currently appropriated from the General  
107 Fund to the Jail Reimbursement program.

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**Legislative Review Note**  
**as of 2-3-12 10:30 AM**

**Office of Legislative Research and General Counsel**