

Representative Jefferson S. Burton proposes the following substitute bill:

DRUG AND ALCOHOL ENFORCEMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill addresses enforcement of drug- and alcohol-related provisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ requires the Department of Public Safety to use the Alcoholic Beverage Control Act Enforcement Fund to maintain a certain number of drug enforcement officers;
 - ▶ increases the deposits made into the Alcoholic Beverage Control Act Enforcement Fund and the Alcoholic Beverage Enforcement and Treatment Restricted Account;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ Department of Public Safety - Alcoholic Beverage Control Act Enforcement Fund as an ongoing appropriation:
 - from the General Fund, (\$1,320,000).

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **32B-2-305**, as last amended by Laws of Utah 2022, Chapter 453

29 **59-15-109**, as last amended by Laws of Utah 2021, Chapter 382

30

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

32 Section 1. Section **32B-2-305** is amended to read:

33 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

34 (1) As used in this section:

35 (a) "Alcohol-related law enforcement officer" [~~is as~~] means the same as that term is
36 defined in Section **32B-1-201**.

37 (b) "Drug-related law enforcement officer" means a law enforcement officer employed
38 by the Department of Public Safety who has enforcement of drug-related offenses as a primary
39 responsibility.

40 (c) "Enforcement ratio" [~~is as~~] means the same as that term is defined in Section
41 **32B-1-201**.

42 [~~(e)~~] (d) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created
43 in this section.

44 (2) There is created an expendable special revenue fund known as the "Alcoholic
45 Beverage Control Act Enforcement Fund."

46 (3) (a) The fund consists of:

47 (i) deposits made under Subsection (4); and

48 (ii) interest earned on the fund.

49 (b) (i) The fund shall earn interest.

50 (ii) Interest on the fund shall be deposited into the fund.

51 (4) After the deposit made under Section **32B-2-304** for the school lunch program, the
52 department shall deposit [~~0.875%~~] 1.415% of the total gross revenue from the sale of liquor
53 with the state treasurer to be credited to the fund to be:

54 (a) used by the Department of Public Safety as provided in Subsection (5); and

55 (b) reallocated to the General Fund as described in Subsection (6).

56 (5) (a) The Department of Public Safety shall expend money from the fund to:

57 (i) supplement appropriations by the Legislature so that the Department of Public
58 Safety maintains a sufficient number of alcohol-related law enforcement officers such that
59 [~~beginning on July 1, 2012,~~] each year the enforcement ratio as of July 1 is equal to or less than
60 the number specified in Section [32B-1-201](#)[-]; and

61 (ii) maintain at least 10 drug-related law enforcement officers in the state.

62 (b) [~~Beginning July 1, 2012, four~~] Four alcohol-related law enforcement officers shall
63 have as a primary focus the enforcement of this title in relationship to restaurants.

64 (6) For fiscal year 2023, the Division of Finance shall deposit into the General Fund \$3
65 million of unspent money in the fund.

66 Section 2. Section **59-15-109** is amended to read:

67 **59-15-109. Tax money to be paid to state treasurer.**

68 (1) Except as provided in Subsection (2), taxes collected under this chapter shall be
69 paid by the commission to the state treasurer daily for deposit as follows:

70 (a) the greater of the following shall be deposited into the Alcoholic Beverage
71 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#):

72 (i) an amount calculated by:

73 (A) determining an amount equal to [~~40%~~] 50% of the revenue collected for the fiscal
74 year two years preceding the fiscal year for which the deposit is made; and

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

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

77 (b) the revenue collected in excess of the amount deposited in accordance with
78 Subsection (1)(a) shall be deposited into the General Fund.

79 (2) [~~For a fiscal year beginning on or after July 1, 2020, the~~] The state treasurer shall
80 annually deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account
81 created in Section [32B-2-403](#) an amount equal to the amount of revenue generated in the
82 current fiscal year by the portion of the tax imposed under Section [59-15-101](#) that exceeds:

83 (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

84 (i) on or after July 1, 2003; and

85 (ii) for sale, use, or distribution in this state; and

86 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

87 (i) any quantity of beer other than a 31-gallon barrel; or

88 (ii) the fractional parts of a 31-gallon barrel.

89 (3) (a) The commission shall notify the entities described in Subsection (3)(b) not later
90 than the September 1 preceding the fiscal year of the deposit of:

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

93 (ii) an amount equal to [~~40%~~] 50% of the amount listed in Subsection (3)(a)(i).

94 (b) The notification required by Subsection (3)(a) shall be sent to:

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

96 (ii) the Legislative Fiscal Analyst.

97 Section 3. **Appropriation.**

98 The following sums of money are appropriated for the fiscal year beginning July 1,
99 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
100 fiscal year 2024. The Legislature has reviewed the following expendable funds. The Legislature
101 authorizes the State Division of Finance to transfer amounts between funds and accounts as
102 indicated. Outlays and expenditures from the funds or accounts to which the money is
103 transferred may be made without further legislative action, in accordance with statutory
104 provisions relating to the funds or accounts.

105 ITEM 1

106 To Department of Public Safety - Alcoholic Beverage Control Act Enforcement Fund

107 From General Fund (1,320,000)

108 Schedule of Programs:

109 Alcoholic Beverage Control Act Enforcement Fund (1,320,000)

110 Section 4. **Effective date.**

111 This bill takes effect on July 1, 2023.