

## HB0223S01 compared with HB0223

~~text~~ shows text that was in HB0223 but was deleted in HB0223S01.

text shows text that was not in HB0223 but was inserted into HB0223S01.

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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: \_\_\_\_\_

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#### 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 ~~support~~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.

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### Money Appropriated in this Bill:

~~{None}~~ 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:

~~{None}~~ This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(1) As used in this section:

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

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

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

~~(c)~~ (d) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in this section.

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

(3) (a) The fund consists of:

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

(ii) interest earned on the fund.

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

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

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

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

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

(5) (a) The Department of Public Safety shall ~~;~~

~~— (i) ;~~ expend money from the fund to:

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

~~— (ii) [(b) ;] and~~

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

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

~~{ — (iii) ensure 10 of the alcohol-related law enforcement officers have as a primary focus enforcement of drug-related offenses.~~

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

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

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

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

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

(i) an amount calculated by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the Legislative Fiscal Analyst.

### Section 3. Appropriation.

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

#### ITEM 1

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

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From General Fund (1,320,000)

Schedule of Programs:

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

Section 4. Effective date.

This bill takes effect on July 1, 2023.