

1 **STATE LABORATORY DRUG TESTING ACCOUNT**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ronda Rudd Menlove**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to drug and alcohol analysis testing and associated
11 funding provisions.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ closes the State Laboratory Drug Testing Restricted Account;
- 15 ▶ provides that the Legislature may appropriate funds from the Department of Public
16 Safety Restricted Account to the Department of Health for the purpose of
17 performing alcohol and drug analysis tests; and
- 18 ▶ makes technical and conforming amendments.

19 **Money Appropriated in this Bill:**

20 This bill appropriates in fiscal year 2014-2015:

- 21 ▶ to the Department of Health - Disease Control and Prevention as an ongoing
22 appropriation:
 - 23 • from the Department of Public Safety Restricted Account, \$670,000.
- 24 ▶ to the Department of Health - Disease Control and Prevention as an ongoing
25 appropriation:
 - 26 • from the General Fund Restricted - State Laboratory Drug Testing Account,
27 (\$441,700).



28 **Other Special Clauses:**

29 This bill takes effect on July 1, 2014.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **26-1-34**, as enacted by Laws of Utah 1998, Chapter 247

33 **53-3-106**, as last amended by Laws of Utah 2012, Chapter 356



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

36 Section 1. Section **26-1-34** is amended to read:

37 **26-1-34. Restricted account created to fund drug testing for law enforcement**
38 **agencies.**

39 ~~[(1) There is created within the General Fund a restricted account known as the State~~
40 ~~Laboratory Drug Testing Account.]~~

41 ~~[(2) The account consists of a specified portion of fees generated under Subsection~~
42 ~~53-3-106(5) from the reinstatement of certain licenses, which shall be deposited in this~~
43 ~~account.]~~

44 ~~[(3)]~~ (1) The Department of Health shall use the funds [in this account] appropriated to
45 the department under Subsections 53-3-106(5) and (11) solely for the costs of performing [drug
46 and alcohol analysis tests for state and local law enforcement agencies, and] the tests described
47 in Subsection (2).

48 (2) The department shall perform a drug or alcohol analysis test at the request of a state
49 or local law enforcement agency.

50 (3) The department may not [assess any] charge [or] a fee to [the] a state or local law
51 enforcement [agencies for whom the analysis tests are performed] agency for performing a test
52 described in Subsection (2).

53 Section 2. Section **53-3-106** is amended to read:

54 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
55 **-- Uses as provided by appropriation -- Nonlapsing.**

56 (1) (a) As used in this section, "account" means the Department of Public Safety
57 Restricted Account created in this section.

58 ~~[(1)]~~ (b) There is created within the Transportation Fund a restricted account known as

59 the "Department of Public Safety Restricted Account."

60 (2) The account consists of money generated from the following revenue sources:

61 (a) all money received under this chapter;

62 (b) administrative fees received according to the fee schedule authorized under this
63 chapter and Section [63J-1-504](#);

64 (c) beginning on January 1, 2013, money received in accordance with Section
65 [41-1a-1201](#); and

66 (d) any appropriations made to the account by the Legislature.

67 (3) (a) The account shall earn interest.

68 (b) All interest earned on account money shall be deposited in the account.

69 (4) The expenses of the department in carrying out this chapter shall be provided for by
70 legislative appropriation from ~~[this]~~ the account.

71 (5) The amount in excess of \$45 of the fees collected under Subsection [53-3-105](#)(24)
72 shall be appropriated by the Legislature from ~~[this]~~ the account to:

73 (a) the department to implement the provisions of Section [53-1-117](#)~~[, except that of the~~
74 ~~amount in excess of \$45, \$40 shall be deposited in the State Laboratory Drug Testing Account~~
75 ~~created in Section [26-1-34](#).]; or~~

76 (b) the Department of Health to implement the provisions of Section [26-1-34](#).

77 (6) All money received under Subsection [41-6a-1406](#)(6)(b)(ii) shall be appropriated by
78 the Legislature from ~~[this]~~ the account to the department to implement the provisions of
79 Section [53-1-117](#).

80 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000
81 annually from the account to the state medical examiner appointed under Section [26-4-4](#) for
82 use in carrying out duties related to highway crash deaths under Subsection [26-4-7](#)(1).

83 (8) The division shall remit the fees collected under Subsection [53-3-105](#)(28) to the
84 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal
85 Identification provides under Section [53-3-205.5](#).

86 (9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money
87 received in the account under Section [41-1a-1201](#) to the Utah Highway Patrol Division for
88 field operations.

89 (b) The Legislature may appropriate additional money from the account to the Utah

90 Highway Patrol Division for law enforcement purposes.

91 (10) Appropriations to the department from the account are nonlapsing.

92 (11) The Legislature may appropriate funds from the account to the Department of
93 Health to implement the provisions of Section 26-1-34.

94 Section 3. **Appropriation.**

95 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
96 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
97 are appropriated from resources not otherwise appropriated, or reduced from amounts
98 previously appropriated, out of the funds or accounts indicated. These sums of money are in
99 addition to any amounts previously appropriated for fiscal year 2015.

100 To Department of Health - Disease Control and Prevention

101 From Department of Public Safety Restricted Account \$670,000

102 Schedule of Programs:

103 Forensic Toxicology \$670,000

104 To Department of Health - Disease Control and Prevention

105 From General Fund Restricted - State Laboratory

106 Drug Testing Account (\$441,700)

107 Schedule of Programs:

108 Forensic Toxicology (\$441,700)

109 Section 4. **Effective date.**

110 This bill takes effect on July 1, 2014.

Legislative Review Note
as of 1-20-14 11:05 AM

Office of Legislative Research and General Counsel