

**MINUTES OF THE SENATE WORKFORCE SERVICES & COMMUNITY AND
ECONOMIC DEVELOPMENT STANDING COMMITTEE
ROOM 215, SENATE BUILDING
FEBRUARY 27, 2012**

Members Present: Sen. Stuart C. Reid, Committee Chair
 Sen. Patricia W. Jones
 Sen. Karen W. Morgan
 Sen. Ralph Okerlund
 Sen. Aaron Osmond
 Sen. Jerry Stevenson
 Pres. Michael G. Waddoups

Staff Present: Mr. Ben Christensen, Policy Analyst
 Ms. Karen Allred, Committee Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Reid called the meeting to order at 8:04 a.m.

Approval of Minutes

MOTION: Sen. Osmond moved to adopt the minutes of the February 14, 2012 meeting. The motion passed unanimously with Sens. Stevenson, Waddoups, and Jones absent for the vote.

S.C.R. 10 Concurrent Resolution Supporting Utah's Interconnected Ski and Snowboard Industry (*Sen. W. Niederhauser*)

Sen. Niederhauser introduced and explained the bill assisted by Nathan Rafferty, President, Ski Utah.

Spoke against the bill: Carl Fisher, Executive Director, Citizens Committee to Save Our Canyons.
 Dr. Howie Garber, Utah Physicians for a Healthy Environment

MOTION: Sen. Okerlund moved to send **S.C.R. 10** out of committee with a favorable recommendation. The motion passed with Sens. Reid, Osmond, Okerlund and Waddoups voting in favor of the bill, Sens. Morgan and Jones voting in opposition and Sen. Stevenson absent for the vote.

Chair Reid announced that **1st Sub. H. B. 80** will be heard tomorrow.

3rd Sub. H.B. 245 Amendment to Definition of Smoking in Utah Indoor Clean Air Act (*Rep. Last*)

Rep. Last introduced and explained the bill and answered questions from the committee.

Spoke for the bill: Dr. Kevin Nelson, American Academy of Pediatrics
Dr. Tom Metcalf, American Academy of Pediatrics
Nate Porter, Owner, The Huka Bar and Grille
Gary Edwards, Executive Director, Salt Lake Valley Health

Spoke against the bill: Michael Siler, Government Relations, American Cancer Society,
Cancer Action Network
Jeff Ashburn, National Vapors Club
Jacinda Ross, Utah Citizen

MOTION: Sen. Waddoups moved to send **3rd Sub. H.B. 245** out of committee with a favorable recommendation. The motion passed unanimously with Sen. Stevenson absent for the vote.

S.B. 66 Alcoholic Beverage Control Related Amendments (Sen. J. Valentine)

Sen. Valentine introduced and explained the bill.

MOTION: Sen. Osmond moved to adopt the following amendments:

1. *Page 2, Lines 51 through 52:*

51 Other Special Clauses:

52 This bill takes effect on July 1, 2012.

This bill coordinates with H.B. 354, Alcoholic Beverage Amendments, to merge substantive amendments.

This bill coordinates with H.B. 142, Alcohol Amendments, to merge substantive amendments.

2. *Page 3, Line 82:*

82 32B-2-210, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

32B-2-210, Utah Code Annotated 1953

59-15a-102, Utah Code Annotated 1953

59-15a-103, Utah Code Annotated 1953

3. *Page 32, Lines 958 through 960:*

958 (1) "Upper management" means the director, a deputy director, or other

{-exempt} schedule AD, AR, or AS

959 employee of the department, **as defined in Section 67-19-15,** except for the director of
internal audits and auditors hired by the

960 director of internal audits under Section 32B-2-302.5.

4. *Page 37, Lines 1140 through 1141:*

1140 (b) In addition to complying with Subsection (3)(a), the state auditor may engage in
an
1141 activity related to the department or commission allowed under **Utah Constitution,**
Article VII, Section 15, or Title 67, Chapter 3, Auditor.

5. *Page 69, Lines 2119 through 2123:*

2119 Beverage Control Commission from obtaining necessary information in the
future; **and**
2120 {~~(ii) ethics investigations of the Department of Alcoholic Beverage Control or~~
~~the~~
2121 ~~Alcoholic Beverage Control Commission until a public recommendation or public~~
~~sanction is~~
2122 ~~issued; and~~}
2123 {~~(iii)~~ **(ii)** an audit report and the Alcoholic Beverage Control Commission's
response to the

6. *Page 81, Lines 2490 through 2491:*

2490 Section 27. Effective date.
2491 This bill takes effect on July 1, 2012.

Section 28. Coordinating S.B. 66 with H.B. 354 -- Merging substantive amendments.

If this S.B. 66 and H.B. 354, Alcoholic Beverage Amendments, both pass and become law, the Legislature intends that:

(1) the reference to "40,000" in Subsection 59-15a-102(6) enacted in H.B. 354 be replaced with "80,000";

(2) the reference to "30,000" in Subsection 59-15a-103(3)(b)(i) enacted in H.B. 354 be replaced with "60,000";

(3) the reference to "20,000" in Subsection 59-15a-103(3)(c)(i) enacted in H.B. 354 be replaced with "40,000"; and

(4) the Office of Legislative Research and General Counsel make the changes described in this section when preparing the Utah Code database for publication.

Section 29. Coordinating S.B. 66 with H.B. 142 -- Merging substantive amendments.

If this S.B. 66 and H.B. 142, Alcohol Amendments, both pass and become law, the Legislature intends that:

(1) the reference to "a dining club licensee" in Subsection 32B-2-210(2)(a)(vi) enacted in this bill be changed to "a dining licensee"; and

(2) the Office of Legislative Research and General Counsel make the change described in this section when preparing the Utah Code database for publication.

President Waddoups proposed to divide the amendment and vote separately on item #6 of the amendment.

The committee voted unanimously to leave #6 out of the amendment with Sen. Stevenson absent for the vote.

The committee then voted unanimously to accept #1-5 of the amendment with Sen. Stevenson absent for the vote.

MOTION: President Waddoups moved to further amend the amendment as follows:

1. *Page 19, Lines 582 through 583:*

582 (100) "Small brewer" means a brewer who manufactures less than
{+} 60,000 {+} {~~80,000~~}
583 barrels of beer, heavy beer, and flavored malt beverages per year.

2. *Page 39, Lines 1193 through 1195:*

1193 {+} (c) Notwithstanding Section 32B-1-102, "small brewer" means a brewer
who
1194 manufactures in a calendar year less than 40,000 barrels of beer, heavy beer, and
flavored malt
1195 beverage. {+}

3. *Page 40, Lines 1210 through 1211:*

1210 (i) the spirituous liquor is manufactured by a manufacturer producing less than
1211 {+} 30,000 {+} {~~60,000~~} proof gallons of spirituous liquor in a calendar
year; and

4. *Page 40, Lines 1216 through 1217:*

1216 (i) the wine is manufactured by a manufacturer producing less than
{+} 20,000 {+} {~~40,000~~}
1217 gallons of wine in a calendar year; and

The motion passed unanimously with Sen. Stevenson absent for the vote.

Sen. Valentine further explained the bill and answered questions from the committee.

Spoke to the amendment: Greg Shurf, Manager, Squatters Wasatch Brew Company, Park City
Jim Olsen, Utah Beer Wholesalers Association
Steve Barth, Small Brewers of Utah

MOTION: Sen. Osmond moved to send **S.B. 66** as amended out of committee with a favorable recommendation. The motion passed unanimously with Sen. Morgan absent for the vote.

MOTION: Sen. Okerlund moved to adjourn. The motion passed unanimously with Sen. Morgan absent for the vote. Chair Reid adjourned the meeting at 9:46 a.m.

Sen. Stuart Reid, Committee Chair