H.B. 193

ALCOHOLIC BEVERAGE CONTROL COMMISSION AMENDMENTS

HOUSE COMMITTEE AMENDMENTS AMENDMENT 2 FEBRUARY 23, 2012 3:05 PM

Representative **Brian Doughty** proposes the following amendments:

1. Page 1, Lines 14 through 16: 14 requires that a certain { percentages related to political affiliation and being number of commissioners be regular } consumers of an alcoholic product { be met in making appointments to the 15 and a certain number be from different professions or occupations ; 16 commission-} Page 1, Lines 21 through 22: 21 Other Special Clauses: 22 {-None-} This bill coordinates with S.B. 66, Alcoholic Beverage Control Related Amendments, to merge substantive changes. Page 1, Line 25: 25 32B-2-201, as last amended by Laws of Utah 2011, Chapters 308 and 334 **Utah Code Sections Affected by Coordination Clause:** 32B-2-201, as last amended by Laws of Utah 2011, Chapters 308 and 334 Page 2, Lines 32 through 44: 32 (2) (a) The commission is composed of five part-time commissioners appointed by the 33 governor with the consent of the Senate. 34 (b) No more than $\{+\}$ three $\{+\}$ $\{-60\%$ of the commissioners may be of the same political party. 35 (c) (i) At least $\{40\%$ two of the commissioners shall, for at least one year before being appointed and during their term, be { regular } consumers of an alcoholic product purchased from 36 an entity authorized to sell alcoholic products. { As used in this Subsection (2)(c), "regular" 37 **38** means happening or recurring not less than once a month. 39 (ii) The governor shall require an individual to sign an affidavit verifying compliance 40 with Subsection (2)(c)(i) as a condition of appointment under this Subsection (2)(c). 41 (iii) If as of July 1, 2012, there are not at least $\{40\%$ two of the commissioners who meet the requirements of Subsection (2)(c)(i), as terms of commissioners expire the governor shall 42

reappoint a commissioner in a manner that brings

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the

appoint a new commissioner or { a reappointed }

- 44 <u>commission</u> { into <u>compliance with this Subsection (2)(c).</u>
- (d)(i) No more than two commissioners shall have the same profession or occupation.
- (ii) If as of July 1, 2012, there are more than two commissioners with the same profession or occupation, as terms of commissioners expire, the governor shall appoint a new commissioner or reappoint a commissioner in a manner that brings the commission into compliance with this Subsection (2)(d).
- 5. Page 4, Lines 109 through 110:
 - or portion of a commission meeting that is closed by the commission as authorized by Sections
 - 110 52-4-204 and 52-4-205.
 - Section 2. Coordinating H.B. 193 with S.B. 66 -- Merging substantive amendments
- <u>If this H.B. 193 and S.B. 66, Alcoholic Beverage Control Related Amendments, both pass and become law, the Legislature intends that:</u>
- (1) the references in Subsection 32B-2-201(2)(c) to "two" be replaced with "three";
- (2) the references in Subsection 32B-2-201(2)(d) to "two" be replaced with "three"; and
- (3) the Office of Legislative Research and General Counsel make the changes described in this section when preparing the Utah Code database for publication.