

1st Sub. S.B. 66

ALCOHOLIC BEVERAGE CONTROL RELATED AMENDMENTS

Representative **Ryan D. Wilcox** proposes the following amendments:

1. *Page 2, Lines 42 through 46:*

- 42 Compliance, Licensing, and Enforcement Subcommittee;
- 43 ▶ ~~{-addresses-}~~ removes purposes ~~{-of}~~ for which the commission may hold a
closed meeting; and
- 44 ~~{-provides that certain records related to the department or commission are protected~~
45 records; and-
- 46 ▶ makes technical and conforming amendments.

2. *Page 3, Lines 71 through 73:*

- 71 52-4-205, as last amended by Laws of Utah 2011, Chapters 46 and 334
- 72 ~~{-63G-2-305, as last amended by Laws of Utah 2011, Chapters 18, 46, 55, 80, 151, and~~
73 73 161-

3. *Page 47, Line 1451 through Page 49, Line 1483:*

- 1451 ~~{-(k) as relates to the Alcoholic Beverage Control Commission-}~~ [issuing a retail license
1452 under Title 32B, Alcoholic Beverage Control Act, after receiving public input in a public
1453 meeting in support or opposition to the commission issuing the retail license, discussing one or
1454 more of the following factors] ~~{-, discussing in a closed meeting;-}~~
- 1455 [(i) a factor the commission is required to consider under Section 32B-5-203 or that is
1456 specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail
1457 license at issue;]
- 1458 [(ii) the availability of a retail license under a quota;]
- 1459 [(iii) the length of time the applicant has waited for a retail license;]
- 1460 [(iv) an opening date for the applicant;]
- 1461 [(v) whether the applicant is a seasonal business;]
- 1462 [(vi) whether the location of the applicant has been previously licensed or is a new
1463 location;]
- 1464 [(vii) whether the application involves a change of ownership of an existing location;]
- 1465 [(viii) whether the applicant holds other alcohol licenses at any location;]
- 1466 [(ix) whether the applicant has a violation history or a pending violation;]
- 1467 [(x) projected alcohol sales for the applicant as it relates to the extent to which the
1468 retail license will be used;]

1469 [~~(xi)~~ whether the applicant is a small or entrepreneurial business that would benefit the
1470 community in which it would be located;]
1471 [~~(xii)~~ the nature of entertainment the applicant proposes; or]
1472 [~~(xiii)~~ public input in support or opposition to granting the retail license;]
1473 { ~~(i)~~ **commercial information or financial information obtained from a person if**
1474 **disclosure of the information could reasonably be expected to result in unfair competitive**
1475 **injury to the person submitting the information or would impair the ability of the Alcoholic**
1476 **Beverage Control Commission from obtaining necessary information in the future; and**
1477 **—— (ii) an audit report and the Alcoholic Beverage Control Commission's response to the**
1478 **audit report until the audit report is made available under Subsection 32B-2-302(4) or**
1479 **32B-2-302.5(5)(d);** }
1480 { ~~(j)~~ **(k)** as relates to the Utah Higher Education Assistance Authority and its appointed
1481 board of directors, discussing fiduciary or commercial information as defined in Section
1482 53B-12-102; or
1483 { ~~(m)~~ **(l)** a purpose for which a meeting is required to be closed under Subsection (2).

4. Page 49, Line 1494 through Page 59, Line 1807: Delete lines 1494 through 1807

Renumber remaining sections accordingly