

# 1st Sub. S.B. 66

## ALCOHOLIC BEVERAGE CONTROL RELATED AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

MARCH 7, 2012 12:02 PM

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~~  
73 161}

3. *Page 18, Lines 540 through 547:*

540           (3) {~~(a) Biannually~~} Every two years, beginning for fiscal year 2013-14, the state auditor  
shall conduct an

541 audit of the department's:

542           {(i)} (a) management operations, best practices, and efficiency; and

543           {(ii)} (b) ethics and statutory compliance.

544           {(b)} (4) In addition to complying with {~~Subsection (3)(a)~~} Subsections (2) and (3),  
the state auditor may engage in an

545 activity related to the department or commission allowed under Utah Constitution, Article VII,

546 Section 15 or Title 67, Chapter 3, Auditor.

547           {(4)} (5) The commission shall forward an audit report issued under Subsection (2) or (3) to

4. *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).

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

**Renumber remaining sections accordingly**