



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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NOTICE OF BILL RETURNED TO RULES COMMITTEE

March 6, 2017

Mr. President,

The Business and Labor Committee has returned **1st Sub. H.B. 97**, ALCOHOL BEVERAGE CONTROL OPERATIONS AMENDMENTS, by Representative S. Eliason to the Rules Committee without recommendation and with the following amendments:

1. *Page 1, Lines 15 through 17:*

15 ▶ creates and provides funding for the Operations Investigation Program to {
 ~~covertly~~
16 ~~observe~~} engage in undisclosed observation and evaluate customer contacts
 with the Department of Alcoholic Beverage
17 Control;

2. *Page 8, Lines 229 through 239:*

229 ~~{(1) "Covert observation" or "covertly observe" means an act taken by the~~
 ~~program to~~
230 ~~directly observe and evaluate the service offered by a subject store without the~~
 ~~knowledge of~~
231 ~~the subject store.~~
232 ~~—(2)—~~ (1) "Interaction" means an individual act under the program to {
 ~~covertly observe~~} engage in the undisclosed observation of a
233 subject store in a manner authorized by this part.
234 ~~{(3)}~~ (2) "Program" means the Operations Investigation Program created

Bill Number



HB0097S01

Action Class



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Action Code



SCRRULAMD

under Section
235 63J-4-703.
236 ~~{(4)}~~ (3) "Subject department" means the Department of Alcoholic
Beverage Control.
237 ~~{(5)}~~ (4) "Subject store" means a store created under Title 32B, Chapter
2, Part 5, State
238 Store, by the Alcoholic Beverage Control Commission.

(5) "Undisclosed observation" means an act taken by the program to directly observe and evaluate the service offered by a subject store without the knowledge of the subject store.

239 Section 5. Section **63J-4-703** is enacted to read:

3. *Page 9, Line 247:*

247 (1) The executive director shall ensure that the program, through ~~{covert}~~ **undisclosed** observation,

4. *Page 9, Line 265:*

265 ~~{covertly observe}~~ **engage in undisclosed observation** and evaluate each subject store's performance.

5. *Page 9, Line 272:*

272 (i) shall ensure that the program ~~{covertly}~~ observes **by undisclosed observation** the customer service offered by each

6. *Page 10, Line 274:*

274 (ii) may also authorize the program to ~~{covertly}~~ observe **by undisclosed observation** the customer service offered by

7. *Page 10, Lines 277 through 279:*

277 (b) The executive director may authorize the program to ~~{covertly}~~ record an interaction **without disclosing the recording** .

278 (c) The executive director may not authorize the program to purposely ~~{covertly~~
~~observe}~~ engage in undisclosed observation
279 or record a direct interaction between a subject store and another person unless the person
is

Respectfully,

Curtis S. Bramble
Chair