

ALCOHOLIC BEVERAGE LAW AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Buhler

AN ACT RELATING TO STATE AFFAIRS; AMENDING THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL; AMENDING SUNSET DATES RELATED TO ALCOHOLIC BEVERAGE CONTROL; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**32A-1-108**, as last amended by Chapter 215, Laws of Utah 1995

**63-55-232**, as last amended by Chapter 24, Laws of Utah 1995

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **32A-1-108** is amended to read:

**32A-1-108. Director of alcoholic beverage control -- Qualifications -- Oath and bond -- Compensation -- Accountable to commission -- Removal from office.**

(1) (a) The ~~[governor, with the advice and consent of the Senate,]~~ commission by unanimous vote, with the approval of the governor, shall appoint a director of alcoholic beverage control who is the administrative head of the department.

(b) The director may not be a member of the commission.

(c) The director shall be qualified in administration and knowledgeable by experience and training in the field of business management and shall possess any other qualifications prescribed by the commission.

(2) (a) The director shall qualify by:

(i) taking the oath of office; and [by]

(ii) giving a bond for the faithful performance of the director's duties in an amount determined by the Division of Finance and in form approved by the attorney general.

(b) The bond premium for the bond required by Subsection (2)(a) shall be paid by the state.

(3) The director's compensation shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(4) The director shall:

(a) carry out the policies of the commission and those of the department;

(b) keep the commission fully informed of all operations and administrative activities of the department; and

(c) assist the commission in the proper discharge of its duties and responsibilities.

(5) (a) The director may be removed from office [by the governor.] for cause by a majority vote of the commission after a public hearing before the full commission.

(b) The director shall receive written notice of:

(i) the date, time, and place of the hearing; and

(ii) the alleged grounds for removal at least ten days before the hearing.

(c) The director shall be afforded the opportunity to:

(i) attend the hearing;

(ii) present witnesses and other evidence; and

(iii) confront and cross examine witnesses.

(d) Following the hearing, written findings of fact, conclusions of law, and the final order of the commission shall be issued and served upon the director.

Section 2. Section **63-55-232** is amended to read:

**63-55-232. Repeal dates, Title 32A.**

~~[(1) Title 32A, the Alcoholic Beverage Control Commission, is repealed July 1, 1998.]~~

~~[(2) Wine manufacturer markup created in Subsection 32A-1-122(3), is repealed July 1, 1998]~~ 2008.