

**MINUTES OF THE SENATE BUSINESS & LABOR STANDING COMMITTEE**  
Room 215 Senate Building  
March 6, 2013

Members Present:        Sen. Curtis S. Bramble, Chair  
                              Sen. Deidre M. Henderson  
                              Sen. David P. Hinkins  
                              Sen. Karen Mayne  
                              Sen. John L. Valentine  
                              Sen. Todd Weiler

Members Excused:        Sen. Gene Davis

Staff Present:            Mr. Bryant R. Howe, Assistant Director  
                              Ms. Karen Allred, Committee Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Bramble called the meeting to order at 8:10 a.m.

**Approval of Minutes**

**MOTION:** Sen. Valentine moved to approve the minutes of March 4, 2013. The motion passed unanimously.

**S.B. 90 Condominium and Community Association Amendments** (*J. S. Adams*)

**MOTION:** Sen. Weiler moved to adopt **1st Sub. S.B. 90**. The motion passed unanimously.

Sen. Adams introduced and explained the bill assisted by John Morris, Attorney

Spoke in favor of the bill: Ray Timber, Condominium owner

**MOTION:** Sen. Valentine moved to transmit **S.B. 90** favorably. The motion passed

**S.B. 261 Amendments Related to Alcoholic Beverage Control** (*J. Valentine*)

**MOTION:** Sen. Valentine moved to amend the bill as follows:

*1. Page 25, Lines 762 through 763:*

762            (b) on or before May 4, 2008, the premises was licensed    {and had a variance  
                  from the  
763            requirements of Subsection (2)(b)}    ;

2. *Page 38, Lines 1165 through 1166:*

1165            (11) (a) The commission shall impose, at a minimum, the following penalties for  
                  a  
1166            violation related to service of an alcoholic product to a minor **that occurs during an**  
                  operation under Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age  
                  Persons, or similar operation by a peace officer, as defined by Title 53, Chapter 13,  
                  Peace Officer Classifications .:

3. *Page 38, Lines 1168 through 1169:*

1168            (ii) for a second violation that occurs within {three years} 18 months of  
                  the day on which the penalty  
1169            is imposed for the first violation:

4. *Page 39, Lines 1179 through 1181:*

1179            (12) (a) For a violation of Section 32B-1-407 or admitting a minor to a place  
                  where an  
1180            alcoholic product is sold or consumed, but where under this title a minor is not  
                  permitted, **that occurs during an operation under Title 77, Chapter 39, Sale of**  
                  Tobacco or Alcohol to Under Age Persons, or similar operation by a peace officer, as  
                  defined by Title 53, Chapter 13, Peace Officer Classifications, the  
1181            commission shall impose, at a minimum, a suspension of five days or a fine of \$1,000.

5. *Page 40, Lines 1233 through 1234:*

1233            (2) Notwithstanding Subsection (1), the commission may issue more than one  
                  type of  
1234            retail license for the same {building} room if:

6. *Page 41, Line 1244:*

1244            (B) an on-premise banquet {catering} license.

7. *Page 48, Lines 1475 through 1476:*

1475            (d) The commission may not issue a single full-service restaurant license to a  
1476            full-service restaurant that would have licensed premises in more than one  
                  building **unless there is continuity in the premises between the multiple buildings**  
                  after considering one or more of the following:

- (i) whether a patron would go through an unlicensed area to move from one part of the licensed premises to a different part of the licensed premises;
- (ii) whether the buildings share common food preparation facilities;
- (iii) whether there is a common entrance to the licensed premises with multiple buildings; and
- (iv) any other factor the commission considers relevant .

8. Page 50, Line 1539 through Page 51, Line 1548:

- 1539 (10) ~~{(a)}~~ A patron may consume an alcoholic product only:  
1540 {+} (a) {+} ~~{(i) while seated}~~ at:  
1541 {+} (i) {+} ~~{(A)}~~ the patron's table;  
1542 {+} (ii) {+} ~~{(B)}~~ a counter; or  
1543 {+} (iii) {+} ~~{(C)}~~ a seating grandfathered bar structure; and  
1544 {+} (b) {+} ~~{(ii)}~~ where food is served.  
1545 ~~{(b) A patron may not be served or consume an alcoholic product anywhere~~  
~~on the~~  
1546 ~~licensed premises other than at a location described in Subsection (10)(a) regardless~~  
~~of its~~  
1547 ~~proximity to a location described in Subsection (10)(a)-}~~  
1548 (11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish  
an

9. Page 53, Lines 1638 through 1639:

- 1638 (d) The commission may not issue a single limited-service restaurant license to a  
1639 limited-service restaurant that would have licensed premises in more than one  
building unless there is continuity in the premises between the multiple buildings  
after considering one or more of the following:  
(i) whether a patron would go through an unlicensed area to move from one part of  
the licensed premises to a different part of the licensed premises;  
(ii) whether the buildings share common food preparation facilities;  
(iii) whether there is a common entrance to the licensed premises with multiple  
buildings; and  
(iv) any other factor the commission considers relevant.

10. Page 56, Lines 1703 through 1711:

1703 (10) ~~{(a)}~~ A patron may consume an alcoholic product only:  
1704 {+} (a) {+} ~~{(i) while seated}~~ at:  
1705 {+} (i) {+} ~~{(A)}~~ the patron's table;  
1706 {+} (ii) {+} ~~{(B)}~~ a counter; or  
1707 {+} (iii) {+} ~~{(C)}~~ a seating grandfathered bar structure; and  
1708 {+} (b) {+} ~~{(ii)}~~ where food is served.  
1709 ~~{(b) A patron may not be served or consume an alcoholic product anywhere~~  
~~on the~~  
1710 ~~licensed premises other than at a location described in Subsection (10)(a) regardless~~  
~~of its~~  
1711 ~~proximity to a location described in Subsection (10)(a). }~~

11. Page 58, Lines 1787 through 1789:

1787 (c) Except as provided in Subsections (3)(a) and (b), the commission may not  
1788 issue a  
1789 single beer-only restaurant license to a beer-only restaurant that would have licensed  
premises  
in more than one building unless there is continuity in the premises between the  
multiple buildings after considering one or more of the following:  
(i) whether a patron would go through an unlicensed area to move from one part of  
the licensed premises to a different part of the licensed premises;  
(ii) whether the buildings share common food preparation facilities;  
(iii) whether there is a common entrance to the licensed premises with multiple  
buildings; and  
(iv) any other factor the commission considers relevant.

12. Page 60, Lines 1845 through 1853:

1845 (10) ~~{(a)}~~ A patron may consume a beer only:  
1846 {+} (a) {+} ~~{(i) while seated}~~ at:  
1847 {+} (i) {+} ~~{(A)}~~ the patron's table;  
1848 {+} (ii) {+} ~~{(B)}~~ a grandfathered bar structure; or  
1849 {+} (iii) {+} ~~{(C)}~~ a counter; and  
1850 {+} (b) {+} ~~{(ii)}~~ where food is served.  
1851 ~~{(b) A patron may not be served or consume an alcoholic product anywhere~~  
~~on the~~

- 1852 licensed premises other than at a location described in Subsection (10)(a) regardless  
of its  
1853 proximity to a location described in Subsection (10)(a).}

*13. Page 64, Lines 1951 through 1954:*

- 1951 (7) (a) An alcoholic product may only be consumed { while sitting } at a  
table or counter.  
1952 { ~~A patron may not consume an alcoholic product anywhere on the sublicensed~~  
~~premises other~~  
1953 ~~than at a location described in this Subsection (7)(a) regardless of its proximity to a~~  
~~location~~  
1954 ~~described in this Subsection (7)(a).}~~

The motion passed unanimously.

Sen. Valentine explained the bill.

**MOTION:** Sen. Weiler moved to amend the bill as follows:

*1. Page 47, Lines 1434 through 1448:*

- 1434 32B-5-311. Private events at retail licensee premises.  
1435 (1) Subject to {~~Section~~} ~~Sections~~ 32B-5-309 and 32B-6-505 , a  
retail licensee may temporarily rent or otherwise  
1436 temporarily lease its premises to a person after the hours the retail licensee may sell,  
offer for  
1437 sale, or furnish an alcoholic product if:  
1438 {~~(1)~~} (a) the person who temporarily rents or leases the licensed  
premises obtains an event  
1439 permit under Chapter 9, Event Permit Act, for the time period that the retail licensee  
rents or  
1440 otherwise leases its licensed premises;  
1441 {~~(2)~~} (b) the event for which the licensed premises are leased is not  
open to the public;  
1442 {~~(3)~~} (c) the person to whom the retail licensee rents or leases the  
premises agrees in writing

- 1443 to comply with this title as if the person is the retail licensee, except for:  
1444        ~~{(a)}~~    (i) a requirement related to making or maintaining a record; and  
1445        ~~{(b)}~~    (ii) the hours during which an alcoholic product may be sold,  
offered for sale, or  
1446 furnished; and  
1447        ~~{(c)}~~    (d) the retail licensee takes reasonable steps to ensure that the  
person complies with  
1448 this section.  
- (2) Subject to Sections 32B-5-309 and 32-6-505, a retail licensee may temporarily  
rent or otherwise temporarily lease its premises for a private event during the hours  
the retail licensee may sell, offer for sale, or furnish an alcoholic product if:  
(a) the person to whom the retail licensee rents or leases the premises agrees in  
writing to comply with this title as if the person is the retail licensee, except for a  
requirement related to making or maintaining a record; and  
(b) the retail licensee takes reasonable steps to ensure that the person complies with  
this section as provided in Subsection (2)(a). -

The motion passed unanimously.

Spoke in favor of the bill: Catherine Lake, Attorney, Stoel Rivers

**MOTION:** Sen. Mayne moved to transmit **S.B. 261** favorably as amended. The motion  
The motion passed unanimously with Sen. Hinkins absent for the vote.

Chair Bramble relinquished the Chair to Sen. Weiler.

**S.B. 281 Debt Collection Information Amendments** (*C. Bramble*)

Sen. Bramble introduced and explained the bill.

Spoke in favor of the bill: Christopher Rogers, Johnson Mark  
Bill Starks, Unemployment Insurance Division, Department of  
Workforce Services

Spoke to the bill: Todd Bingham, President, Utah Manufacturers Association

**MOTION:** Sen. Bramble moved to transmit **S.B. 281** favorably. The motion passed

unanimously with Sens. Henderson and Valentine absent for the vote.

**S.B. 272 Public School Funding Amendments** (*C. Bramble*)

**MOTION:** Sen. Bramble moved to adopt **1st Sub. S.B. 272**. The motion passed unanimously  
Sen. Bramble introduced and explained the bill.

Spoke to the bill: Bruce Williams, Associate Superintendent, Utah State Office of Education n

Spoke in support of the bill: Howard Headlee, Utah State Charter School Board  
Kim Frank, Utah Charter Network

**MOTION:** Sen. Henderson moved to transmit **1st Sub. S.B. 272** favorably. The motion passed  
unanimously with Sen. Valentine absent for the vote.

**MOTION: S.B. 274 Condominium Foreclosure Amendments** (*S. Urquhaart*)

Sen. Urquhart introduced and explained the bill and answered questions from the committee.

Spoke in opposition to the bill: Kevin Glade, Attorney, Rae Quinney & Nebeker, Chair,  
Banking & Finance Section, Utah State Bar  
Association

**MOTION:** Sen. Mayne moved to transmit **S.B. 274** favorably. The motion passed with Sen.  
Henderson voting in opposition and Sen. Valentine absent for the vote.

**MOTION:** Sen. Henderson moved to adjourn. The motion passed unanimously with Sen.  
Valentine absent for the vote. Chair Bramble adjourned the meeting at 9:23 a.m.

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Sen. Curtis S. Bramble, Committee Chair

