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CITY OF GREEN RIVER

How rocky is city's liquor bill terrain?

Disparities exist — and how does it compare with state law? Experts mum

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GREEN RIVER — What was presented on Green River's own liquor bill didn't match with what was in the legislation. Another provision disappeared from one reading to another without indication as to why. And how does it comply with state law? Do the differences violate law?

There's also other details in the bill itself concerning the city and the internal way in which it came to be.

But on marches the City of Green River and its city council with the legislation — and it's one beat away from becoming the law of the land in the 149-year old former territory from which John Wesley Powell started famous expeditions.

The third and final reading is scheduled for the city council meeting starting at 7 p.m. Tuesday at Green River city hall, where the council will vote whether to make it law. Bills in city councils are required by law to have at least three separate votes and the opportunity for at least three hearings, hence, first, second and third readings, City Attorney Galen West said.

Disparities

City Finance Director Chris Meats said in the last city council meeting on Oct. 17, when the second reading was voted on, that the language "limited license holder" was inserted following concerns about "licensed building" in the first reading limiting relatively benign entities.

It wasn't, and "limited license holder" is not found in the third reading, either. And "licensed building" is still there, in the third reading four times, as it was in the second.

The only language that was added from the first reading to the other two had to do with when individuals under 21 years old can be in a "sexually oriented business" or a "licensed building where alcoholic or malt beverages are dispensed," Meats told the Rocket-Miner.

Also, the language of "adult entertainment" was in first reading, but in second reading, that language did not appear even as a strikethrough, indicating that the language was deleted. It just vanished.

Dance with state law

West said when the first reading was being discussed at the Sept. 19 council meeting that a lower government's laws can be tighter, but not looser, than a higher government's laws.

A question is if that statute opens up issues with the state's law.

"License holder" may be more interpretive than the language that is in the state statute, called Wyoming Senate File 45. Also, that language is not found in the state law as "liquor license holder," "restaurant liquor license," "retail liquor license" and "limited retail license" is.

A related law, Senate File 14, limits the license of a holder.

Also, the third and second readings allow for a "bowling alley, hotel, motel, theater or civic/event center" to be licensed to dispense "alcoholic or malt beverages." "Bowling alley," "theater" and any form of "civic center" is not language found in Senate File 45.

In the first reading, Councilman Ted Barney had complained that relatively benign entities would be limited, after which the language was added for second and third readings.

"The city took a look at everything that was said the first night ... and added a variety that needed to be in there and covered the businesses that needed to be covered that wasn't before," Barney told the Rocket-Miner Friday. "It does what it was intended to do now."

"It would have been illegal for the kids to go bowling," he also said.

Hopefully now, it is not illegal for the city for the kids to go bowling.

The Rocket-Miner reached out to those who may have expert knowledge on the subjects, including State of Wyoming Attorney General Peter Michael; Greg Cook, division administrator of the Wyoming Liquor Division; Danielle Cover, director of the Legal Services Clinic and a University of Wyoming law professor; and Ian Shaw, legal services administrator for the Wyoming state legislature. None returned the requests for comment.

West, the attorney, deferred to city prosecutor Bobby Pineda, who did not return a request for comment, either.

Details

Hours will be expanded from 14 to 20 on Sundays, from 6 a.m. to 2 a.m. Cheyenne and Rock Springs expanded hours after the state statutes took effect July 1.

No one under the age of 21 can enter into a "sexually oriented business" "where alcoholic or malt beverages are dispensed."

And those under 21 can enter into a "licensed building" with a parent or guardian "where alcoholic or malt beverages are dispensed primarily for on-premise consumption."

These are issues that most concern Green River, Meats wrote in prefaces to the readings attached to city council agendas.

Private discussions

When accounting supervisor Mary Seppie presented for Meats during first reading, she said that the city waited on Sweetwater Count and the City of Rock Springs to determine what to do with its own liquor law even after the Wyoming laws took effect.

But the summer still went on after Rock Springs adopted their own.

Meats told the Rocket-Miner that's because they were meeting privately with "stakeholders," including "retail liquor license holders," "(city) prosecutors," "(the city's) governing body," "law enforcement agencies" and others "who needed to see it." City Administrator Reed Clevenger said that an "internal meeting" would be held between first and second readings with Pineda, Police Chief Chris Steffen and Deputy City Clerk Tara Smith over "what was enforceable and not and the language from last meeting that (the council) had concerns with," Meats said in the Oct. 17 meeting. Meats confirmed that meeting and that "questions on the ordinance" led to a tabling of second reading on Oct. 3 "to make sure that what we were talking about were fair and defensible."

An "initial draft" was presented to the people Meats identified.

"We sent copies of the drafts for those proposals and got comment and feedback on them," he said.

"License holders" got invited to meetings that were two weeks apart in August, Meats said, claiming that he couldn't remember the exact dates off the top of his head.

Today (Tuesday)

The third reading that takes place in today's (Tuesday's) council meeting is the final that needs to be held for it to pass. A discussion separate of the third vote is not planned.

Legally, a new reading of a bill necessitates a new public vote, besides the opportunity for new hearing in a public meeting, changes or not. When Meats remarked on Oct. 17 that several changes were made from the first reading of the bill, a stakeholder said "it seems like (the city) has changed everything with the bill."

The first reading was released with the agenda item for the first phase, for the Sept. 19 council meeting.

