

**MINUTES OF THE  
BUSINESS AND LABOR INTERIM COMMITTEE**

Wednesday, November 18, 2009 – 9:00 a.m. – Room 210 Senate Building

**Members Present:**

Sen. John L. Valentine, Senate Chair  
Rep. James A. Dunnigan, House Chair  
Sen. Gene Davis  
Rep. Susan Duckworth  
Sen. Daniel R. Liljenquist  
Sen. Karen Mayne  
Sen. Wayne L. Niederhauser  
Rep. Jackie Biskupski  
Rep. Stephen D. Clark  
Rep. Jack R. Draxler  
Rep. Gage Froerer  
Rep. Francis D. Gibson

Rep. Neil A. Hansen  
Rep. Todd E. Kiser  
Rep. David Litvack  
Rep. Steven R. Mascaro  
Rep. Michael T. Morley  
Rep. Patrick Painter  
Rep. C. Brent Wallis

**Staff Present:**

Mr. Bryant R. Howe, Assistant Director  
Ms. Patricia Owen, Associate General Counsel  
Ms. Phalin L. Flowers, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Dunnigan called the meeting to order at 9:10 a.m.

**MOTION:** Sen. Valentine moved to approve the minutes of the October 21, 2009 meeting. The motion passed unanimously with Sen. Davis, Rep. Clark, Rep. Froerer, Rep. Gibson, Rep. Litvack, Rep. Mascaro, Rep. Morley, and Rep. Painter absent for the vote.

Mr. Howe discussed the following included in the mailings: "Workers' Compensation Premium Assessments: Report to the Utah Legislature by the Utah Labor Commission and Workers' Compensation Advisory Council" and a letter regarding Appraisal Management Company Registration and Regulation Act, submitted by the Division of Real Estate. Mr. Howe also distributed and discussed "Health System Reform Task Force Preliminary Report."

**2. Insurance Related Amendments**

Chair Dunnigan turned the chair to Chair Valentine.

Rep. Dunnigan and Mr. Neal Gooch, Deputy Commissioner, Utah Insurance Department, discussed 2010 General Session draft legislation, "Insurance Related Amendments," which was included in the supplemental mailing packet.

**MOTION:** Rep. Kiser moved to adopt 2010 General Session draft legislation, "Insurance Related Amendments," as a committee bill. The motion passed unanimously with Sen. Liljenquist, Rep. Clark, Rep. Gibson, Rep. Morley, and Rep. Painter absent for the vote.

**3. State Construction Code and State Fire Code**

**A.** Consideration of draft legislation regarding a State Construction and Fire Code

This item was not heard.

**B. Consideration of draft legislation regarding a State Fire Code**

This item was not heard.

**4. Deferred Deposit Lending Amendments**

Rep. Dunnigan discussed 2010 General Session draft legislation, "Deferred Deposit Lending Amendments," which was included in the supplemental mailing packet. He also distributed and discussed "Best Practices for the Payday Advance Industry" and an amendment to the draft legislation dated November 17, 2009 at 12:18 PM.

Chair Valentine turned the chair to Sen. Niederhauser.

Mr. Paul Allred, Deputy Commissioner, Department of Financial Institutions, spoke in support of the draft legislation and noted that his department would like to have additional information collected from the deferred deposit lending industry.

Mr. Frank Pignaneli, representing Utah Consumer Lending Association, spoke in support of the draft legislation.

Chair Niederhauser turned the chair to Chair Valentine.

**MOTION:** Sen. Davis moved to adopt the amendment to 2010 General Session draft legislation, "Deferred Deposit Lending Amendments," dated November 17, 2009 at 12:18 PM. The motion passed unanimously with Rep. Mascaro, Rep. Morley, and Rep. Painter absent for the vote.

Mr. Peter Cannon, Davis County 9/12 Project, spoke in opposition to the draft legislation.

**MOTION:** Sen. Mayne moved to adopt 2010 General Session draft legislation, "Deferred Deposit Lending Amendments," as amended, as a committee bill. The motion passed unanimously with Rep. Mascaro, Rep. Morley, and Rep. Painter absent for the vote.

**5. Alcoholic Beverage Control Related Issues**

Chair Valentine turned the chair to Chair Dunnigan.

Sen. Valentine gave an update on the progress of the recodification of the alcoholic beverage control title.

Ms. Owen provided examples of issues raised as part of the recodification.

Mr. Earl Dorius, Regulatory Director, Department of Alcoholic Beverage Control, said the Department appreciates being involved in the recodification process and that the Department is very comfortable with the progress of the recodification.

Mr. Howe distributed and discussed "Alcoholic Beverage Control Act: Revisions to Divisor to Adjust Numbers for Sublicenses Granted to a Resort Licensee if the Legislature Desires to Hold Existing Number of License Types the Same."

## **6. State Construction Contracts and Drug and Alcohol Testing**

Sen. Mayne discussed 2010 General Session draft legislation, "State Construction Contracts and Drug and Alcohol Testing," which was included in the mailing packet. She also distributed and discussed "State Construction Contracts and Drug and Alcohol Testing" and "Drug Testing Index."

Mr. Dennis Lloyd, General Counsel, Workers Compensation Fund, spoke in support of the draft legislation.

Mr. Jim Paul, representing unionized sheet metal contractors in Utah, spoke in support of the draft legislation.

**MOTION:** Sen. Davis moved to adopt 2010 General Session draft legislation, "State Construction Contracts and Drug and Alcohol Testing," as a committee bill. The motion passed unanimously with Sen. Niederhauser, Sen. Valentine, Rep. Clark, and Rep. Morley absent for the vote.

## **7. Elevator Contractor, Mechanic, and Inspector Licensing Act**

Rep. Larry Wiley discussed 2010 General Session draft legislation, "Elevator Contractor, Mechanic, and Inspector Licensing Act," which was included in the supplemental mailing.

Mr. Gregg Rogers, Elevator Industry Work Preservation Fund, distributed and discussed "Deaths and Injuries Involving Elevators and Escalators." He spoke in support of the draft legislation.

Mr. Mike Pederson, Chief Elevator Inspector, Utah Labor Commission, spoke in support of the draft legislation.

Mr. Peter Cannon, Davis County 9/12 Project, spoke in opposition to the draft legislation.

Mr. Greg Fowler, Local Manager, ThyssenKrupp Elevator, spoke in support of the draft legislation.

Mr. Tom Bingham, Utah Manufacturers Association, introduced Mr. Larry Hyde.

Mr. Larry Hyde, The Elevator Company, spoke to the legislation.

Mr. Cameron Bateman, Kone Elevator, spoke in support of the draft legislation.

**MOTION:** Rep. Litvack moved to adopt 2010 General Session draft legislation, "Elevator Contractor, Mechanic, and Inspector Licensing Act," as a committee bill. The motion passed with Sen. Liljenquist, Rep. Draxler, Rep. Gibson, Rep. Kiser, Rep. Morley, and Rep. Wallis voting in opposition. Sen. Niederhauser, Sen. Valentine, and Rep. Painter were absent for the vote.

## **8. Foreclosure Rescue and Loan Modification Amendments**

Rep. Ryan Wilcox discussed 2010 General Session draft legislation, "Foreclosure Rescue and Loan Modification Amendments," which was included in the mailing packet.

Mr. Chris Kyler, Utah Association of Realtors, spoke in support of the draft legislation.

**MOTION:** Rep. Froerer moved to adopt 2010 General Session draft legislation, "Foreclosure Rescue and Loan Modification Amendments," as a committee bill. The motion passed unanimously with Sen. Davis, Sen. Niederhauser, Rep. Litvack, Rep. Mascaro, and Rep. Painter absent for the vote.

**9. Other Items / Adjourn**

**MOTION:** Rep. Gibson moved to adjourn the meeting. The motion passed unanimously with Sen. Davis, Sen. Niederhauser, Rep. Litvack, Rep. Mascaro, and Rep. Painter absent for the vote.

Chair Dunnigan adjourned the meeting at 11:50 a.m.