

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

Wednesday, October 19, 2011 – 9:00 a.m. – Room 210 Senate Building

Members Present:

Sen. John L. Valentine, Senate Chair
Rep. James A. Dunnigan, House Chair
Sen. Curtis S. Bramble
Sen. Gene Davis
Sen. David P. Hinkins
Sen. Karen Mayne
Sen. Kevin T. Van Tassell
Rep. Melvin R. Brown
Rep. Brian Doughty
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Francis D. Gibson
Rep. Don L. Ipson
Rep. Todd E. Kiser
Rep. Bradley G. Last
Rep. Michael T. Morley

Rep. Jennifer M. Seelig
Rep. Larry B. Wiley
Rep. Brad R. Wilson

Members Absent:

Sen. Daniel R. Liljenquist
Rep. Jim Bird
Rep. Derek E. Brown
Rep. Eric K. Hutchings
Rep. Dixon M. Pitcher

Staff Present:

Mr. Bryant R. Howe, Assistant Director
Ms. Patricia Owen, Associate General Counsel
Mr. Robert H. Rees, Associate General Counsel
Ms. Jennifer Christopherson, 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.

1. Committee Business

Chair Valentine called the meeting to order at 9:16 am. Rep. Bird and Rep. Derek Brown were excused from the meeting.

MOTION: Sen. Bramble moved to approve the minutes of the September 21, 2011 meeting. The motion passed unanimously with Sen. Davis, Sen. Hinkins, Rep. Melvin Brown, Rep. Duckworth, Rep. Gibson, and Rep. Ipson absent for the vote.

Mr. Howe distributed "2011 Required Reports from Executive Branch Agencies" and the "Utah Governor's Office of Economic Development" booklet. He asked the committee members to review them and, if approved by the Chairs, schedule questions for a future meeting.

2. Construction Trades Licensing Amendments

Sen. Knudson gave the history of 2012 General Session draft legislation, "Construction Trades Licensing Amendments" (2012FL-0211-013) and said that it will modify the Construction Trade Licensing Provisions to include heating, ventilation, and air conditioning (HVAC) technicians.

Mr. John Hill, Rocky Mountain Gas Association, said that HVAC contractors should be licensed to work on gas appliances. Mr. Hill responded to questions from the Committee.

Mr. Brent Ursenbach, Salt Lake County Mechanical and Energy Code Specialist, gave his background and responded to questions from the Committee stating that inadequate training for HVAC technicians has always been an issue.

Mr. Brad Stevens, Vice President, Independent Electrical Contractors, spoke in opposition to the draft legislation stating that more training should be added to the certification process for HVAC technicians.

Mr. Dean Dyatt, board member, Rocky Mountain Gas Association, spoke in favor of the draft legislation saying

during his career he has seen the effects of inadequate training of HVAC technicians.

Mr. Dirk Burton, electrical contractor, spoke in opposition to the draft legislation and said that his concern is that the licensing requirements will not include electrical training.

Mr. Jeff Peterson, Utah Plumbing and Heating Contractors Association, spoke in favor of the draft legislation noting that more training creates a better industry.

Sen. Knudson made closing comments and committee discussion followed.

3. Mechanics' Liens Amendments

Rep. Morley gave a report on the status of the rewrite of the Mechanics' Liens Statutes and responded to questions from the Committee. He explained that he is working with staff to recodify the mechanic's liens statutes.

4. Repeal of the Certified Court Reporters Licensing Act

Rep. Morley expressed concern regarding the Certified Court Reporters Licensing Act requiring certified stenographers because audio recordings are now used as the official record in court proceedings. He proposed that a working group be established to make changes to the Certified Court Reporters Licensing Act.

Ms. Carolyn Erickson, certified court reporter, said the state licenses a profession to ensure the public some degree of reliability.

Mr. Rod Snow, President, Utah State Bar, stated that there should be regulations for any individual taking record of a court proceeding.

Mr. Lee Richan, President, AV Law Depot, explained that under various laws, notaries are empowered to take and transcribe depositions.

Mr. Rocky Dustin, certified court reporter, said transcripts should be as accurate as possible in the first instance.

Ms. Vicky Larson, President, Utah Court Reporter Association, spoke in favor of the proposed working group.

Ms. Cathrine Kennedy, Chair, Court Reporter Licensing Board, expressed interest in participating in the working group.

Mr. Richan responded to questions from the Committee noting the notice he received from the Division of Occupational and Professional Licensing (DOPL) was a surprise.

Committee discussion followed.

5. Exemption from Licensure for Hair-braiding and for Certain Cosmetology Services Associated with the Film and Television Production Industry

Rep. Richardson distributed and discussed 2012 General Session draft legislation, "Barber, Cosmetologist, Esthetician, Electrologist, and Nail Technician Act Modifications" (2012FL-0440/006).

Ms. Jestina Clayton, hair braider, shared her experience and added that she can safely perform hair braiding

around her children because she does not use any chemicals.

Mr. Paul Avelar, Institute of Justice, said natural hair braiding is safe. He stated that regulation of hair braiding is an indicator of a larger problem which is over regulation of the right to earn an honest living.

Rep. Richardson and Mr. Avelar responded to questions and comments from the Committee noting the definition of natural hair braiding is braiding that does not use chemicals.

Ms. Candace Daly, government regulations representative lobbyist, Utah Cosmetology Schools Association, stated that licensed film industry professionals should be able to come to Utah and work, but a person who comes to Utah permanently should become licensed with the state.

Ms. Tamu Smith, owner, Interactions Salon, discussed what she learned in cosmetology school and how important that knowledge is for hair braiding.

Ms. Brenda Scharman, owner, Cameo College of Essential Beauty, said that her school teaches hair braiding and showed an example of hair braiding on a mannequin head. Ms. Scharman responded to questions from the Committee and added there are many possible risks when hair braiding is done incorrectly.

Ms. Brandy Pierson, licensed cosmetologist, spoke in opposition to the draft legislation and discussed what is taught in Utah cosmetology schools.

Mr. Brian Green, attorney, spoke in favor of the draft legislation and stated that the question is whether government regulation is necessary with regards to the risks.

Rep. Richardson responded to questions and comments from the Committee and noted that draft legislation, "Barber, Cosmetologist, Esthetician, Electrologist, and Nail Technician Act Modifications" provides limited exemption from licensors.

Ms. Kierra Thorbs, student, Marinello School of Beauty, spoke in opposition to the draft legislation explaining the sanitation precautions taught in school are extremely important.

Mr. Matthew Piccolo, Sutherland Institute, spoke in favor of the draft legislation, voicing that the real issue is if there is a significant risk to the public.

MOTION: Sen. Davis moved to proceed to the next agenda item.

SUBSTITUTE MOTION: Rep. Gibson moved to recommend 2012 General Session draft legislation, "Barber, Cosmetologist, Esthetician, Electrologist, and Nail Technician Act Modifications" (2012FL-0440/006). Committee discussion followed.

Rep. Gibson withdrew his substitute motion.

The original motion passed unanimously.

6. Recommendations of the Uniform Building Code Commission and the Utah State Fire Prevention Board

Mr. Michael Martin, Chair, Uniform Building Code Commission, gave an overview of the recommendations and responded to questions from the Committee.

Mr. Ted Black, Chair, Utah State Fire Prevention Board, explained what has been done to address the recommendations, stating that they have just received the final studies from the National Fire Protection Association. Mr. Black responded to questions from the Committee.

MOTION: Rep. Dunnigan moved to direct the staff to draft legislation to adopt the recommendations. The motion passed unanimously with Rep. Melvin Brown absent for the vote.

7. Performance Audit of the Department of Alcoholic Beverage Control

Mr. Brian Dean, Office of the Legislative Auditor General, distributed "A Review of Allegations Regarding The Management of the Department of Alcoholic Beverage Control (DABC)" and discussed the findings from the performance audit of the DABC. Mr. Dean responded to questions from the Committee.

Mr. Joe Christensen, Deputy State Auditor, responded to questions from the Committee, stating that his office sends every audit report to the Alcohol Beverage Control Commission, agency management, and legislators.

Sen. Valentine said agenda item eight will be on November's agenda for further discussion.

Ms. Francine Giani, Director, DABC, commented on the findings of the audit and added that the agency has the tools in place to learn from this audit and move forward. Ms. Giani responded to questions from the Committee, stating the reason for the agency's problems is because of its oversight.

Mr. Dean, Mr. Christensen, and John Schaff, Auditor General, Office of the Legislative Auditor General, responded to questions from the Committee.

8. Enhanced Business Plan for the Retail Operations of the Department of Alcoholic Beverage Control

This item was not discussed.

9. Other Items / Adjourn

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously with Sen. Hinkins, Rep. Melvin Brown, Rep. Gibson, and Rep. Seelig absent for the vote.

Chair Valentine adjourned the meeting at 12:13 p.m.