

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

Wednesday, October 17, 2012 – 2:00 p.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. Kevin T. Van Tassell
Sen. Todd Weiler
Rep. Jim Bird
Rep. Derek E. Brown
Rep. Brian Doughty
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Eric K. Hutchings
Rep. Todd E. Kiser
Rep. Bradley G. Last

Rep. Michael T. Morley
Rep. Dixon M. Pitcher
Rep. Jennifer M. Seelig
Rep. Larry B. Wiley
Rep. Brad R. Wilson

Members Absent:

Rep. Melvin R. Brown
Rep. Don L. Ipson

Staff Present:

Mr. Bryant R. Howe, Assistant Director
Ms. Patricia Owen, 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 Dunnigan called the meeting to order at 2:28 p.m.

MOTION: Rep. Duckworth moved to approve the minutes of the September 19, 2012, meeting. The motion passed unanimously with Sen. Bramble, Sen. Davis, Sen. Van Tassell, Rep. Hutchings, Rep. Kiser, Rep. Last, and Rep. Seelig absent for the vote.

Mr. Howe distributed and gave a brief overview of "Business and Labor Interim Committee 2012 Required Reports from Executive Branch Agencies" and "Utah Governor's Office of Economic Development - 2012 Annual Report and Business Resource Guide."

Chair Dunnigan said if a committee member desires to prioritize a bill for the November committee meeting, the committee member should contact the chairs.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing (DOPL), distributed and discussed "Division of Occupational and Professional Licensing Amendments." He responded to questions from the committee by stating that the division is careful to balance the interests of the public with regulated occupations and professions.

MOTION: Sen. Valentine moved to open a prioritized committee bill for substantive provisions for DOPL as explained. The motion passed unanimously with Sen. Davis, Rep. Hutchings, Rep. Kiser, Rep. Last, and Rep. Seelig absent for the vote.

Chair Dunnigan turned the chair over to Sen. Valentine.

2. Exemption from Licensure for Hair Braiding

Rep. Dunnigan distributed and gave an overview of draft legislation "Cosmetology and Hair Braiding" (2013FL-0197/016). He explained that the bill separates licensing requirements into levels depending on the procedure being performed.

Mr. Steinagel distributed and discussed "Memorandum Decision: Jestina Clayton vs. Mark Steinagel," the lawsuit filed against DOPL in United States District Court regarding licensing requirements for African hair braiding. He responded to questions from the committee.

Committee discussion followed.

Ms. Candace Daly, Utah Beauty School Owners Association, discussed the health risks in the beauty industry. She spoke about the lawsuit against DOPL. Ms. Daly said that draft legislation "Cosmetology and Hair Braiding" (2013FL-0197/016) is a reduction in licensing requirements and that training is key to being successful. She distributed photos showing the diseases and disorders that can develop from certain cosmetology procedures. She responded to questions from the committee by saying that, if a person is going to charge for services, there needs to be a minimum level of regulation to protect the public.

Ms. Brenda Scharman, Utah Beauty School Owners Association, owner, Cameo College of Essential Beauty, discussed the diseases and disorders that can develop from cosmetology procedures.

Ms. Brandy Pierson, instructor, Cameo College of Essential Beauty, stated that if someone is going to charge for a service they must have the information attained through education. She presented models wearing different types of braids and passed around tools and chemicals used in hair braiding. She explained the different procedures and chemicals used for each braid.

Mr. Brian Greene, attorney, said that it does not matter whether someone charges for their services if there is a risk to public health. He stated that there is no way to enforce the legislation. He believes that the real intent of the bill is to benefit the industry and not the health of the public. He responded to questions from the committee by saying that the state should look at the issue to determine the real risks.

Ms. Holly Richardson read a statement from Ms. Jestina Clayton, hair braider, which stated that Utah cosmetology law is unconstitutional.

Mr. Connor Boyack, President, Libertas Institute, spoke in opposition to the legislation and said that hair braiding is not posing a risk to the public.

Mr. Dan Deuel, Weber County 9/12 Project, spoke in opposition to the legislation and said that this legislation is just short of deregulating hair braiding entirely.

Mr. Atavares, private resident, spoke in opposition to the legislation and said that licensing has very little to do with safety.

Rep. Dunnigan gave closing remarks stating that the purpose of the legislation is not to create regulation for cosmetology because it is already regulated.

MOTION: Rep. Pitcher moved to adopt as a committee bill draft legislation "Cosmetology and Hair Braiding" (2013FL-0197/016). Committee discussion followed. The motion passed with Sen. Weiler and Rep. Brown voting in opposition and Sen. Bramble, Sen. Hinkins, Rep. Kiser, and Rep. Morley absent for the vote.

Chair Valentine turned the chair back to Rep. Dunnigan.

3. Sunset Review: Hearing Instrument Specialist Licensing Act

Rep. Brown gave the status of draft legislation "Hearing Instrument Specialist Licensing Act" (2013FL-0239/002), which was distributed in the mailing packet, and requested that it be put on the November agenda.

4. Recommendations of the Utah State Fire Prevention Board

Mr. Howe reviewed draft legislation "State Fire Code Act Amendments" (2013FL-0322/003), which was distributed in the mailing packet.

Mr. Brent Halladay, Utah State Fire Marshal, requested that due to a lack of time and the need for additional input this agenda item be postponed to the November agenda.

5. Recommendations of the Uniform Building Code Commission

Rep. Wilson gave a status update of the working group that is reviewing the recommended changes to the building code.

MOTION: Rep. Wilson moved to open two prioritized committee bills; one regarding the Uniform Building Code Commission recommendations and the other concerning the energy code. Committee discussion followed. The motion passed unanimously with Sen. Bramble, Sen. Hinkins, Rep. Last, Rep. Morley, and Rep. Pitcher absent for the vote.

6. Report of the Alcohol Abuse Tracking Committee

Commissioner Lance Davenport, Utah Department of Public Safety, gave a brief overview of "Alcohol Abuse Tracking Committee Report," which was distributed in the mailing packet, and distributed "DABC Licenses and Ticket Locations." He responded to questions from the committee by stating that the department is trying to make a uniform system for tracking where the alcohol consumed by the drunk driver was attained. However, getting that information, he said, is problematic.

Rep. Ryan Wilcox responded to questions from the committee.

7. A Performance Audit of the Division of Alcoholic Beverage Control Operations

Mr. Rick Coleman, Deputy Auditor General, Office of the Legislative Auditor General, introduced Mr. Brian Dean, Audit Supervisor, Office of the Legislative Auditor General.

Mr. Dean presented "A Performance Audit of DABC Operations," which was distributed in the mailing packet. He discussed the findings from the performance audit of the DABC.

Sen. Valentine assumed the chair.

8. Other Items / Adjourn

MOTION: Sen. Van Tassell moved to adjourn the meeting. The motion passed unanimously with Chair Dunnigan, Sen. Bramble, Sen. Davis, Sen. Hinkins, Rep. Brown, Rep. Froerer, Rep. Last, Rep. Morley, Rep. Pitcher, and Rep. Wilson absent for the vote.

Chair Valentine adjourned the meeting at 4:44 p.m.