

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

Wednesday, November 18, 2015– 8:30 a.m. – Room 210 Senate Building

Members Present:

Sen. Curtis S. Bramble, Senate Chair
Rep. Val L. Peterson, House Chair
Sen. J. Stuart Adams
Sen. Gene Davis
Sen. Deidre M. Henderson
Sen. Karen Mayne
Sen. Ralph Okerlund
Sen. Todd Weiler
Rep. Jacob L. Anderegg
Rep. Susan Duckworth
Rep. James A. Dunnigan
Rep. Gage Froerer
Rep. Brad King

Rep. John Knotwell
Rep. Derrin Owens
Rep. Dixon M. Pitcher
Rep. Marc K. Roberts
Rep. Mike Schultz
Rep. Jon E. Stanard
Rep. Brad R. Wilson

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Ms. Patricia Owen, Associate General Counsel
Mr. Samuel C. Johnston, Associate General Counsel
Ms. Lucy W. Daynes, Legislative Assistant

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 Bramble called the meeting to order at 8:46 a.m.

MOTION: Rep. Peterson moved to approve the minutes of the October 21, 2015, committee meeting. The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Henderson, Sen. Mayne, Sen. Weiler, Rep. Dunnigan, Rep. Froerer, Rep. Pitcher, and Rep. Stanard absent for the vote.

Chair Bramble discussed a proposed Air Quality Board administrative rule (R307-230, NOx Emission Limits for Natural Gas-Fired Water Heaters), which was considered by the Administrative Rules Review Committee. He said that changes to the building code should first be discussed by the Uniform Building Code Commission, which would then forward its recommendation to the Business and Labor Interim Committee.

2. Worker Classification Coordinated Enforcement Act Sunset

Ms. Owen outlined draft legislation "Worker Classification Coordinated Enforcement Act Sunset Amendments" (2016FL-0457/003) and said that it removes the Worker Classification Coordinated Enforcement Act from the Sunset Act.

MOTION: Rep. Peterson moved that the committee recommend draft legislation "Worker Classification Coordinated Enforcement Act Sunset Amendments" as a committee bill. The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Henderson, Sen. Mayne, Sen. Weiler, Rep. Dunnigan, Rep. Froerer, Rep. Pitcher, and Rep. Stanard absent for the vote.

3. Worker Classification Coordinated Enforcement Council

Mr. Jaceson Maughan, Deputy Commissioner, Utah Labor Commission, and Mr. Philip Lott, Assistant Utah Attorney General, Litigation Division, presented "2015 Worker Classification Coordinated

Enforcement Council Annual Report." Mr. Maughan stated that the council remains effective in sharing information between its members and reducing worker misclassification.

Mr. Lott explained that he is the representative from the Attorney General's office to the council. He stated that the council has been effective, particularly in sharing information between agencies. He said that the council has made progress in reducing abuse of the owner-worker model.

Mr. Maughan and Mr. Lott answered questions from the committee.

4. Boards, Committees, and Commissions Concurrence Amendments

Ms. Owen explained that draft legislation "Department of Commerce Boards, Committees, and Commissions Concurrence Amendments" (2016FL-0458/009) addresses issues raised by the U.S. Supreme Court case *North Carolina State Board of Dental Examiners v. FTC*.

The committee discussed licensing boards and the changes made by the draft legislation.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, clarified some options to bring licensing boards into compliance. He said that one option is through active state supervision, as in draft legislation "Department of Commerce Boards, Committees, and Commissions Concurrence Amendments," and the other option is through changing board membership. He further explained the process of decisions and appeals within the Division of Occupational and Professional Licensing.

MOTION: Rep. Peterson moved that the committee recommend draft legislation "Department of Commerce Boards, Committees, and Commissions Concurrence Amendments" as a committee bill. The motion passed with Rep. Anderegg voting in opposition. Sen. Adams, Sen. Davis, Sen. Henderson, Sen. Mayne, Sen. Weiler, Rep. Dunnigan, Rep. Froerer, and Rep. Pitcher were absent for the vote.

5. State Fire Code

Rep. Wilson explained that a working group would be meeting to discuss recommended changes to the State Fire Code.

Mr. Coy Porter, State Fire Marshall, noted a typo in draft legislation "State Fire Code Amendments" (2016FL-0662/003).

6. Public Access to Administrative Actions

Chair Bramble relinquished the chair to Rep. Peterson.

Sen. Bramble discussed draft legislation "Public Access to Administrative Actions" (2016FL-0284/016). He said that the draft legislation would require agencies to remove records of administrative actions from public access after 10 years. Sen. Bramble answered questions from the committee regarding other efforts on expungement of administrative actions and the effects of the draft legislation.

Chair Peterson relinquished the chair to Sen. Bramble.

7. Passenger Carrier Requirements

Sen. Mayne said that draft legislation "Passenger Carrier Requirements" (2016FL-0067/012) addresses a gap in regulation of individuals who transport work crews of less than 15 passengers. She explained that the draft legislation requires drivers employed by work crew transportation companies to get a taxi cab license. Sen. Mayne answered questions from the committee regarding requirements for a taxi cab license and the companies that would be affected by the draft legislation.

Mr. Allen Greer, General Manager, Professional Transportation, Inc., asked for clarification regarding the scope of the bill and additional requirements for the taxi cab license.

MOTION: Sen. Davis moved that the committee recommend draft legislation "Passenger Carrier Requirements" as a committee bill. The motion passed with Rep. Roberts voting in opposition. Sen. Adams, Sen. Henderson, Sen. Okerlund, Sen. Weiler, Rep. Dunnigan, Rep. Froerer, and Rep. Pitcher were absent for the vote.

8. Foreclosure of Residential Rental Properties

Sen. Wayne A. Harper presented draft legislation "Foreclosure of Residential Rental Property" (2016FL-0355/003). He said that this legislation adds expired sections of federal code to the Utah Code. He further explained that the legislation sets requirements for notification and honoring of lease agreements in the case of foreclosed residential rental property.

MOTION: Rep. Duckworth moved that the committee recommend draft legislation "Foreclosure of Residential Rental Property" as a committee bill. The motion passed unanimously with Sen. Adams, Sen. Henderson, Sen. Okerlund, Sen. Weiler, Rep. Dunnigan, Rep. Froerer, and Rep. Wilson absent for the vote.

9. Sichuan Province Partnership Entity

Mr. Val Hale, Director, Governor's Office of Economic Development, presented on the Sichuan Province Partnership. He explained that the partnership was set up through a nonprofit corporation, Utah Sichuan Economic and Cultural Exchange Association, Inc. He outlined the plan for the association, which includes hiring an executive director, using corporate memberships for internal funding, issuing annual reports, and maintaining its status as a private nonprofit entity.

Chair Bramble described the Sichuan Province Partnership.

Mr. Derek Miller, President, World Trade Center Utah, said that he supports the presentation given by Mr. Hale and added that the World Trade Center Utah wants the partnership to be sustainable. Mr. Miller and Mr. Hale answered questions from the committee.

The committee discussed international trade opportunities and partnerships.

10. Abuse-deterrent Opioid Analgesic Drug Products

Chair Bramble relinquished the chair to Rep. Peterson.

Mr. R. Chet Loftis, Director, Public Employees Health Plan, reported on abuse deterrent opioid analgesics and pain medication abuse in Utah.

Mr. Travis Tolley, Clinical Management Director, Public Employees Health Plan (PEHP), described the difference between abuse-deterrent opioid analgesics and traditional opioid analgesics. He discussed data regarding the effectiveness of the drugs and said that PEHP has two programs for abuse deterrence designed to assist individuals using opioids analgesics.

Mr. Loftus and Mr. Travis answered questions from the committee about pain management programs and abuse of opioids.

Chair Peterson relinquished the chair to Rep. Wilson.

11. Workers' Compensation Hearings

Mr. Maughan reported on hearings, appeals, and timeframes of resolution for workers' compensation cases filed in 2014. He referenced "Labor Commission Report on Dispositions of Workers' Compensation Hearings – 2015 Report with 2014 Calendar Year Data." Mr. Maughan answered questions from the committee regarding the purpose of the reporting requirement.

Chair Wilson relinquished the chair to Sen. Bramble.

12. Business and Labor Interim Committee Report Amendments

Ms. Owen explained that draft legislation "Business and Labor Interim Committee Report Amendments" (2016FL-0358/007) removes reporting requirements as previously requested by the committee and changes the due dates on several reports. She said that these changes are in response to a request from the Legislative Management Committee.

Mr. Maughan expressed concern regarding changes to the deadline for the Labor Commission Report on Dispositions of Workers' Compensation Hearings in the draft legislation.

MOTION: Rep. Dunnigan moved to amend draft legislation "Business and Labor Interim Committee Report Amendments" to remove the requirement for the Labor Commission Report on Dispositions of Workers' Compensation Hearings and that the committee then recommend the amended draft legislation as a committee bill. The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Henderson, Sen. Okerlund, Rep. Froerer, Rep. Knotwell, and Rep. Wilson absent for the vote.

13. Occupational and Professional Licensure Review Committee

Sen. Weiler described the purpose of the Occupational and Professional Licensure Review Committee and outlined "OPLRC Annual Report." He said that the committee reviews proposals relating to occupational and professional licensure and makes a recommendation on each proposal.

Rep. Stanard addressed draft legislation "Occupational and Professional Licensure Review Committee Amendments" (2016FL-0548/005), which would allow the committee to review matters pertaining to occupational licensure outside of sunrise and sunset reviews. He added that the draft legislation also would allow the committee to recommend less restrictive alternatives to licensure, such as registration and certification.

MOTION: Sen. Weiler moved that the committee recommend draft legislation "Occupational and Professional Licensure Review Committee Amendments" as a committee bill. The motion passed with Rep. Dunnigan voting in opposition. Sen. Adams, Sen. Davis, Sen. Henderson, Sen. Okerlund, Rep. Froerer, Rep. Knotwell, Rep. Roberts, and Rep. Wilson absent for the vote.

14. Adjourn

MOTION: Rep. Schultz moved to adjourn the meeting. The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Henderson, Sen. Okerlund, Rep. Anderegg, Rep. Froerer, Rep. Knotwell, Rep. Roberts, and Rep. Wilson absent for the vote.

Chair Bramble adjourned the meeting at 10:56 a.m.