

**MINUTES OF THE  
BUSINESS AND LABOR INTERIM COMMITTEE**  
Wednesday, October 21, 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  
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

**Members Absent:**

Rep. Susan Duckworth

**Staff Present:**

Mr. Bryant R. Howe, Assistant Director  
Ms. Patricia Owen, Associate General Counsel  
Ms. Amanda K. Majers, 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 Valentine called the meeting to order at 9:12 a.m. Rep. Duckworth was excused from the meeting.

**MOTION:** Rep. Mascaro moved to approve the minutes of the September 16, 2009 meeting. The motion passed unanimously, with Sen. Niederhauser and Rep. Gibson absent for the vote.

**2. State Construction Code and State Fire Code**

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

Mr. Howe and Ms. Owen reviewed 2010 General Session draft legislation, "Construction and Fire Code Related Amendments," which was distributed to the Committee prior to the meeting.

Mr. Taz Biesinger, Home Builders Association of Utah (UtahHBA), asked the Committee to postpone action on the draft legislation.

Mr. Dave Lavanger, Building Official and Director of Planning for Carbon County, asked the Committee to postpone action on the draft legislation. He distributed a letter to the Committee asking for a review of the Uniform Plumbing Code and the International Plumbing Code.

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

Ms. Owen discussed 2010 General Session draft legislation, "State Fire Code Adoption," which was distributed to the Committee prior to the meeting.

Mr. Ted Black, Chair, Utah State Fire Prevention Board, spoke in favor of the draft legislation.

Mr. Biesinger asked the Committee to postpone action on the draft legislation.

C. Consideration of draft legislation regarding a State Construction Code

Ms. Owen reviewed 2010 General Session draft legislation, "State Construction Code Adoption," which was distributed to the Committee prior to the meeting.

**MOTION:** Rep. Dunnigan moved to amend 2010 General Session draft legislation, "State Construction Code Adoption," on line 1969 to delete "4.6" and add "4.9." The motion passed unanimously, with Sen. Niederhauser and Rep. Froerer absent for the vote.

Mr. Gilbert Gonzales, Chair, Uniform Building Code Commission, reported on issues being studied by the Commission and recommended adoption of the draft legislation.

Mr. Paul Hayward, President, Ivie Code Group, spoke in favor of the draft legislation.

Mr. Pete Crow, International Association of Plumbing and Mechanical Officials, distributed and discussed a letter to the Committee.

Mr. Orion Goff, Salt Lake City Building Official, spoke in favor of the adoption of the draft legislation.

Mr. Gordon Walker, Director, Division of Housing and Community Development, spoke concerning ENERGY STAR and weatherization standards.

Mr. Scott Youngstrom, Yellow Stone Log Homes and Log Home Council, spoke concerning the construction needs of log home builders.

Mr. Kent Huff, Timberline Log Homes, discussed the impact of the draft legislation on log home businesses.

Mr. Biesinger spoke in favor of the draft legislation.

Mr. Biesinger and Mr. Gonzales answered questions from the Committee and committee discussion followed.

Mr. Jeff Pedersen, Utah Plumbing and Heating Contractors Association, spoke in favor of Utah's use of the International Plumbing Code.

Ms. Paulette McGhie, Utah Clean Energy, spoke in opposition to the draft legislation.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, spoke about the procedure used to review the plumbing provisions in the draft legislation.

Committee questions and discussion followed.

**MOTION:** Rep. Mascaro moved to hold agenda items #2A and #2B for the November committee meeting. The motion passed unanimously, with Sen. Niederhauser absent for the vote.

**MOTION:** Rep. Morley moved to adopt 2010 General Session draft legislation, "State Construction Code Adoption," as a committee bill. The motion passed with Sen. Davis, Rep. Biskupski, and Rep. Clark voting in opposition. Sen. Niederhauser was absent for the vote.

### **3. Alcoholic Beverage Control Related Issues**

Mr. Keith Zuspan, Department of Alcoholic Beverage Control, distributed and discussed a report regarding "dramshop" coverage.

Mr. Jim Welch, Statewide Insurance Agency, spoke concerning dramshop coverage.

Mr. Neil Cohen, Licensing and Compliance Specialist, Department of Alcoholic Beverage Control, distributed and discussed a report regarding quota issues related to resort sublicenses.

### **4. Insurance Related Legislation**

Rep. Dunnigan discussed 2010 General Session draft legislation, "Insurance Related Amendments," which was distributed to the Committee prior to the meeting.

Chair Valentine turned the chair over to Sen. Liljenquist.

Ms. Betsy Jerome, Life Consumer Service Senior Analyst, Utah Insurance Department, discussed 2010 General Session draft legislation, "Utah Life and Health Insurance Guaranty Association Amendments," which was distributed to the Committee prior to the meeting.

**MOTION:** Rep. Dunnigan moved to amend 2010 General Session draft legislation, "Utah Life and Health Insurance Guaranty Association Amendments," as follows: on line 750 after "(17)" delete "Except as provided in Subsection 17(b)."; on line 755 after "and" delete "is" and insert "its"; and on line 1287 after "The" bracket "the". The motion passed unanimously, with Sen. Mayne, Sen. Valentine, Rep. Clark, and Rep. Morley absent for the vote.

**MOTION:** Rep. Dunnigan moved to adopt 2010 General Session draft legislation, "Utah Life and Health Insurance Guaranty Association Amendments," as a committee bill. The motion passed unanimously, with Sen. Mayne, Sen. Valentine, Rep. Clark, and Rep. Morley absent for the vote.

### **5. Anesthesiologist Assistant Licensing**

Rep. Julie Fisher distributed and discussed a report regarding anesthesiologist assistants, and 2009 General Session 1st Substitute H.B. 269, "Anesthesiologist Assistants," sponsored by Rep. Julie Fisher.

Mr. Ty Townsend, Anesthesiologist Assistant, spoke about the training of anesthesiologist assistants.

Chair Liljenquist turned the chair over to Rep. Dunnigan.

Ms. Ellen Allinger, American Academy of Anesthesiologist Assistants, discussed how anesthesiologist assistants practice their profession and the status of the need for anesthesiologist assistants in the medical profession.

Dr. Jeffrey Lu, President, Utah Society of Anesthesiologists, spoke to the training and supervision of anesthesiologist assistants and requested that legislation be passed to address licensure for anesthesiologist assistants.

Mr. Glen Judd, Utah Association of Nurse Anesthetists (UANA), asked the Committee to provide time to hear from UANA on this issue.

**MOTION:** Sen. Davis moved to have the chairs send a letter requesting the Speaker of the House and the President of the Senate to appoint members to the Occupational and Professional Licensure Review Committee. The motion passed unanimously, with Sen. Niederhauser, Sen. Valentine, Rep. Clark, Rep. Draxler, Rep. Froerer, Rep. Hansen, and Rep. Mascaro absent for the vote.

**6. Sunset Review - Offset for Occupational Health and Safety Related Donations (Utah Code Sections 34A-2-202.5 and 59-9-102.5)**

Mr. Howe gave an overview of the sunset process.

A handout, "Offset for Occupational Health and Safety Related Donations," was distributed to the Committee.

**MOTION:** Sen. Davis moved to reauthorize Offset for Occupational Health and Safety Related Donations (Utah Code Sections 34A-2-202.5 and 59-9-102.5) for 10 years. The motion passed unanimously, with Sen. Niederhauser, Sen. Valentine, Rep. Biskupski, Rep. Clark, Rep. Draxler, Rep. Froerer, Rep. Hansen, and Rep. Mascaro absent for the vote.

**7. Workplace Drug and Alcohol Testing**

Rep. Trisha Beck informed the Committee of the membership and actions of a working group studying workplace drug and alcohol testing, and reviewed 2010 General Session draft legislation, "Workplace Drug and Alcohol Testing," which was distributed to the Committee prior to the meeting.

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

Dr. Paul Teynore spoke to the draft legislation.

**MOTION:** Rep. Litvack moved to adopt 2010 General Session draft legislation, "Workplace Drug and Alcohol Testing," as a committee bill. The motion passed unanimously, with Sen. Niederhauser, Sen. Valentine, Rep. Biskupski, Rep. Clark, Rep. Draxler, Rep. Froerer, and Rep. Hansen absent for the vote.

**8. Other Items / Adjourn**

**MOTION:** Sen. Mayne moved to adjourn the meeting. The motion passed unanimously, with Sen. Niederhauser, Sen. Valentine, Rep. Biskupski, Rep. Clark, Rep. Draxler, Rep. Froerer, and Rep. Hansen absent for the vote.

Chair Valentine adjourned the meeting at 12:11 p.m.