

**MINUTES OF THE  
BUSINESS, LABOR, AND ECONOMIC DEVELOPMENT INTERIM COMMITTEE**  
Wednesday, October 18, 2000 – 2:00 p.m. – Room 403 State Capitol

**Members Present:**

Sen. Parley Hellewell, Co-Chair  
Rep. John William Hickman, Co-Chair  
Sen. Gene Davis  
Sen. Eddie "Ed" P. Mayne  
Sen. John L. Valentine  
Rep. Gerry A. Adair  
Rep. Patrice M. Arent  
Rep. Afton B. Bradshaw  
Rep. Katherine M. Bryson  
Rep. Don E. Bush  
Rep. Carl W. Duckworth  
Rep. Ben C. Ferry  
Rep. Wayne A. Harper  
Rep. Brad King  
Rep. David L. Zolman

**Members Absent:**

Sen. Robert M. Muhlestein  
Rep. Lowell A. Nelson

**Staff Present:**

Ms. Mary Catherine Perry,  
Research Analyst  
Ms. Patricia Owen,  
Associate General Counsel  
Mr. Keith Woodwell,  
Associate General Counsel  
Ms. Cassandra Bauman,  
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

- 1. Call to Order** – Chair Hickman called the meeting to order at 2:17 p.m.

**MOTION:** Rep. Bush moved to approve the minutes of the August 16, 2000 meeting. The motion passed unanimously with Rep. Adair, Rep. Arent, and Rep. Harper and Sen. Davis and Sen. Mayne absent for the vote.

- 2. Committee Business** – Chair Hickman announced that all legislators planning to have proposed legislation considered at the November meeting should contact committee staff and have bills completed by November 1.

- 3. Sunset Reviews** – Ms. Mary Catherine Perry, Research Analyst, gave a brief overview of the Legislative Oversight and Sunset Act and distributed printed copies of her presentation.

**A. Assessment on Title Insurers** – Mr. Peter Stevens, Assistant Commissioner, State of Utah Insurance Department, explained the background and purpose of the assessment on the title insurers.

**MOTION:** Sen. Valentine moved to extend the sunset date on the Assessment of Title Insurers five years to July 1, 2006. The motion passed unanimously with Rep. Adair, Rep. Arent, and Rep. Harper and Sen. Davis and Sen. Mayne absent for the vote.

**B. Preneed Funeral Arrangement Act** – Mr. Dan Jones, Bureau Manager, Division of Occupational and Professional Licensing, explained the background and purpose of the Preneed Funeral Arrangement Act.

Mr. Shaun Myers, Vice President of the Utah Funeral Directors Association, stated how important the statute is to the funeral industry.

**MOTION:** Rep. Zolman moved to extend the sunset date on the Preneed Funeral Arrangement Act five years to July 1, 2006. The motion passed unanimously with Reps. Adair and Arent absent for the vote.

**4. Ice Cream and Milk Dispenser Requirements** - Sen. Gene Davis, gave an overview of his proposed legislation.

Mr. Bret Mallar, Account Executive, Dryers Snellgrove Ice Cream, in favor of the bill. He explained the difficult situation the industry is in with the current statute.

Mr. Greg Radmole, Executive Director, Utah Dairyman's Association, spoke in favor of the bill. He stated that the current statute is difficult to enforce and that licensing would be a better way to keep distributors within the law.

Committee discussion followed.

**MOTION:** Sen. Mayne moved to approve the bill as a committee bill. The motion passed with Sen. Valentine and Rep. Bryson, Rep. Bush, and Rep. Hickman voting against the motion. Rep. Adair, Rep. Arent and Rep. Harper were absent for the vote.

**5. Occupational Safety and Health Act (OSHA)** – Ms. Patricia Owen, Associate General Counsel, presented an overview of the Utah Occupational Safety and Health Act and distributed printed copies of her presentation.

Sen. Joseph Hull, explained the reasons behind his request for the committee to study issues related to OSHA. Mr. Mark Bergman distributed a handout concerning OSHA issues and discussed his involvement in the study. Mr. Bergman stated that he believes Utah's OSHA laws are inadequate and require legislative changes. He believes change is needed primarily in the areas of subcontractor liability on multi-employer work sites and discrimination against whistle blowers who report OSHA violations.

Mr. Lee Ellertson, Commissioner, Labor Commission, explained the history of the multi-employer work site guidelines. He stated that the Labor Commission is in compliance with the federal standards and has received federal approval as recently as September of this year.

Mr. Alan Hennebold, Deputy Commissioner and Legal Counsel, Labor Commission, explained issues related to protection of employees and employers when the subcontractors are involved. He stated that the Labor Commission does not interfere with contract disputes between subcontractors and general contractors because of the possibility of discrimination suits.

Mr. Vincez Bell stated that a subcontractor is under the direction of a general contractor and needs to be protected as any other employee would be under the statute.

Mr. Don Jones expressed his concerns regarding the current interpretation of the statute.

Committee discussion followed.

**MOTION:** The committee moved to authorize the committee chairs to direct the Labor Commission to work with staff to resolve issues related to subcontractor liability under OSHA on multi-employer work sites. The motion passed unanimously.

## **6. Adjournment –**

**MOTION:** Sen. Davis moved to adjourn the meeting at 4:09 p.m. The motion passed unanimously.

