

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

Wednesday, May 19, 2004 – 2:00 p.m. – Room W135 House Building

**Members Present:**

Sen. Parley G. Hellewell, Senate Chair  
Rep. Katherine M. Bryson, House Chair  
Sen. Curtis S. Bramble  
Sen. Gene Davis  
Sen. Thomas Hatch  
Sen. Ed P. Mayne  
Rep. J. Stuart Adams  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. David Clark  
Rep. Stephen D. Clark  
Rep. Carl W. Duckworth  
Rep. James A. Dunnigan  
Rep. Ben C. Ferry  
Rep. Neil A. Hansen

Rep. Todd E. Kiser  
Rep. Michael T. Morley  
Rep. R. Curt Webb

**Members Absent:**

Sen. Dan R. Eastman  
Rep. Jeff Alexander

**Staff Present:**

Mr. Mark Steinagel, Policy Analyst  
Ms. Patricia Owen, Associate General  
Counsel  
Ms. Tracey Fredman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://le.utah.gov> or by contacting the committee secretary, Tracey Fredman, at 538-1032.

**1. Committee Business**

Chair Hellewell called the meeting to order at 2:21 p.m.

**MOTION:** Rep. Webb moved to approve the minutes of the November 19, 2003 and April 21, 2004 meetings. The motion passed unanimously. Sen. Davis, Sen. Hatch, Rep. Buttars, and Rep. S. Clark were absent for the vote.

**2. Business names and Notice to Registering Businesses**

Ms. Patricia Owen gave a brief overview of issues related to business names. Referring to "Distinguishability of Business Names" from the mailing packet, she explained that to be authorized a business name filed for with the Division of Corporations and Commercial Code generally must be distinguishable from the names and trademarks of other entities on record with the Division.

Ms. Kathy Berg, Director, Division of Corporations and Commercial Code, spoke about the distinguishability standard and the registration process. She explained that registering with the state is only one step in establishing and protecting a business name and is no guarantee that another entity may not use the name and compete in the private arena.

Ms. Klare Bachman, Executive Director, Department of Commerce, suggested that more protection could be built into the system for protecting business names registered with the state.

Mr. Darrell Catmull, Owner, Destiny Real Estate, said he would like to see a warning statement on the registration application that says in order to protect the business name, legal protection should be sought.

### **3. Report on the Status of Financial Institution Industry**

Mr. Ed Leary, Commissioner, Department of Financial Institutions, discussed the dual banking system and distributed and discussed "Status of Financial Institutions Industry," "Comparative Schedule of Utah Depository Institutions as of Fiscal Year-End," "Ten Largest Institutions by Industry," "Utah Credit Unions Converting to Federal Charter," "Utah Credit Union Mergers," "Comparison Between Utah State Credit Union Charter and Federal Credit Union Charter," and "Recent News Items Regarding Large Credit Union Tax Exemption."

### **4. Sunset Reviews**

Mr. Craig Jackson, DOPL (Division of Occupational and Professional Licensing), distributed "Response to Sunset Review Questions for Professional Engineers and Land Surveyors Licensing Act," "Response to Sunset Review Questions for the Occupational Therapy Practice Act," and "Response to Sunset Review Questions for Dietician Certification Act."

Mr. Mark Steinagel distributed and briefly reviewed the handouts "Professional Engineers and Land Surveyors Licensing Act" and the "Occupational Therapy Practice Act."

Ms. Laura Poe, Assistant Director, DOPL, recommended that the sunset date for the Professional Engineers and Land Surveyors Act be extended ten years or eliminated entirely, and that the sunset date for the Occupational Therapy Practice Act be extended for ten years.

**MOTION:** Sen. Bramble moved to extend the sunset ten years for both the Professional Engineers and Land Surveyors Act and the Occupational Therapy Practice Act. The motion passed unanimously. Sen. Davis, Sen. Hatch, Rep. S. Clark, Rep. Duckworth, Rep. Dunnigan, and Rep. Ferry were absent for the vote.

Ms. Owen distributed and briefly reviewed the handout "Dietician Certification Act."

Ms. Poe recommended that the sunset date for the Dietician Certification Act be extended ten years.

**MOTION:** Rep. Buttars moved to extend the sunset date for ten years on the Dietician Certification Act.

The motion passed unanimously. Sen. Davis, Sen. Hatch, Rep. Bryson, Rep. S. Clark, Rep. Duckworth, Rep. Dunnigan, and Rep. Ferry were absent for the vote.

### **5. Other Items/Adjourn**

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**MOTION:** Rep. Adams moved to adjourn the meeting. The motion passed unanimously. Sen. Davis, Sen. Hatch, Rep. Bryson, Rep. S. Clark, Rep. Duckworth, Rep. Dunnigan, and Rep. Ferry were absent for the vote.

Chair Hellewell adjourned the meeting at 3:55 p.m.