

**MINUTES OF THE SENATE BUSINESS & LABOR  
STANDING COMMITTEE  
FRIDAY, FEBRUARY 4, 2005, 2:00 P.M.  
ROOM W015, WEST OFFICE BUILDING  
STATE CAPITOL COMPLEX**

Members Present: Sen. Scott K. Jenkins, Chair  
Sen. Gene Davis  
Sen. Thomas V. Hatch  
Sen. Parley G. Hellewell  
Sen. John W. Hickman  
Sen. Sheldon L. Killpack  
Sen. Ed Mayne  
Sen. Michael Waddoups

Members Excused: Sen. L. Alma Mansell

Staff Present: Mark Steinagel, Policy Analyst  
Karen Allred, Committee Secretary

Public Speakers Present: Richard Hamp, Office of The Attorney General  
Dan Fallows, Department of Public Safety  
Ken Wallentine, Chair, Utah Law Enforcement Legislative Committee  
Kurt Hegmann, M.D., Rocky Mountain Center for Occupational and  
Environmental Health, University of Utah School of Medicine  
Dennis Lloyd, Senior Vice President, Workers' Compensation Fund  
Tom Bingham, President, Utah Manufacturers Association  
Dick Johns, M.D., Medical Director, ATK Thiokol  
Todd Besinger, citizen  
Scott Kelly, President, Utah Self Insureds, IHC Claims  
David Bird, Attorney, Workmens Advisory Council  
Jeff Dye, President, G.E. Capital Financial  
Douglas Foxley, Attorney, Utah Association of Financial Services,  
G.E. Capital Financial  
Ed Leary, Commissioner, Department of Financial Institutions  
Karen Silver, citizen  
George Sutton, Attorney, Utah Association of Financial Services  
Sheryl Fluckiger, Utah Eagle Forum  
Spencer Stokes, Mountain Star Hospitals  
Kelly Atkinson, Executive Director, Utah Health Insurance  
Association  
Kim Wirthlin, Assistant Vice President, University of Utah Health  
Sciences  
David Gessell, Utah Hospital Association

Jennifer Cannady, Blue Cross Blue Shield  
Victor L. Peterson, Legislative Chair, Utah Association of Health  
Underwriters  
Brian Walker, President, NAIFA  
John F. Braun, Assistant Commissioner, Utah Insurance Department

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Scott K. Jenkins called the meeting to order at 2:10 p.m.

**MOTION:** Sen. Hellewell moved to approve the minutes of February 2, 2005.

The motion passed unanimously with Sen. Hatch, Sen. Killpack and Sen Davis absent for the vote.

**1. S.B. 75 Public Safety Database Amendments (M. Waddoups)**

Sen. Waddoups proposed the following amendment:

1. *Page 2, Lines 37 through 38:*

37           (e) under the direction of the Department of Public Safety, assist in preventing,  
38   identifying, and prosecuting ~~{crime}~~ fraud or underage purchase of alcohol  
and tobacco .

**MOTION:** Sen. Waddoups moved to adopt the amendment.

The motion passed unanimously with Sen. Hatch, Sen. Killpack and Sen. Davis absent for the vote.

Richard Hamp, Office of The Attorney General; Dan Fallows, Department of Public Safety; and Ken Wallentine, Chair, Utah Law Enforcement Legislative Committee spoke in support of the bill.

**MOTION:** Sen. Mayne moved to pass the bill out favorably as amended.

The motion passed unanimously with Sen. Hatch, Sen. Killpack and Sen. Davis absent for the vote.

**2. S.B. 159 Assessment Offset for Donations Promoting Occupational Health and Safety**  
(*E. Mayne*)

Sen. Mayne explained the bill.

Kurt Hegmann, M.D., Rocky Mountain Center for Occupational and Environmental Health, University of Utah School of Medicine; Dennis Lloyd, Senior Vice President, Workers' Compensation Fund; Dick Johns, M.D., Medical Director, ATK Thiokol; Todd Besinger, citizen; Scott Kelly, President, Utah Self Insureds, IHC Claims spoke in support of the bill.

Tom Bingham, President, Utah Manufacturers Association; and David Bird, Attorney, Workmens Advisory Council spoke in opposition to the bill.

**MOTION:** Sen. Hickman moved to pass the bill out favorably.

The motion passed with Sen. Jenkins, Sen Hellewell, Sen. Hickman, Sen. Killpack and Sen. Mayne voting in favor of the bill, Sen. Waddoups voting in opposition to the bill, and Sen. Hatch and Sen. Davis absent for the vote.

**3. S.B. 157 Utah Consumer Credit Code Amendments** (*P. Knudson*)

Sen. Knudson explained the bill.

Jeff Dye, President, G.E. Capital Financial; Douglas Foxley, Attorney, Utah Association of Financial Services, G.E. Capital Financial; and Ed Leary, Commissioner, Department of Financial Institutions spoke in support of the bill.

Karen Silver, citizen, expressed concerns with the bill.

George Sutton, Attorney, Utah Association of Financial Services responded to questions.

Sheryl Fluckiger, Utah Eagle Forum spoke in opposition to the bill.

**MOTION:** Sen. Walker moved to pass the bill out favorably.

The motion passed unanimously.

**4. S.B. 158 Dishonored Instrument Amendments** (*P. Knudson*)

Sen. Knudson explained the bill.

Douglas Foxley, Attorney, G.E. Capital Financial, Utah Association of Financial Services, further explained the bill.

Karen Silver, citizen, expressed concerns with the bill.

**MOTION:** Sen. Hellewell moved to pass the bill out favorably.

The motion passed unanimously with Sen. Davis absent for the vote.

**5. S.B. 156 Health Insurance - Prompt Payment Amendments (M. Waddoups)**

Sen. Waddoups explained the bill.

Spencer Stokes, Mountain Star Hospitals, further explained the bill.

Kim Wirthlin, Assistant Vice President, University of Utah Health Sciences; and David Gessell, Utah Hospital Association spoke in support of the bill.

Kelly Atkinson, Executive Director, Utah Health Insurance Association; and Jennifer Cannady, Blue Cross Blue Shield spoke in opposition to the bill.

**MOTION:** Sen. Killpack moved to pass the bill out favorably.

The motion failed with Sen. Hellewell, Sen. Killpack and Sen. Waddoups voting in favor of the bill, Sen. Jenkins, Sen. Hatch, Sen. Hickman and Sen. Mayne voting in opposition to the bill and Sen. Davis absent for the vote.

**6. H.B. 195 Insurance Licensing Amendments (J. Dunnigan)**

Rep. Dunnigan explained the bill.

The following amendments were proposed:

1. Page 13, Line 388:

388 (b) (i) ~~{The}~~ Except as provided in Subsection (3)(b)(iii), the continuing  
education [~~requirement~~] requirements shall require:

2. Page 14, Lines 410 through 412:

410 (D) other methods provided by rule.

(iii) Notwithstanding Subsection (3)(b)(i)(A) and (B), a title insurance producer is required to complete 12 credit hours of continuing education for every two-year licensing period, with three of the credit hours being ethics courses.

411 [~~(d)~~(i)] (c) A licensee may obtain continuing education hours at any time during the  
412 two-year licensing period.

3. Page 16, Line 487:

487 (b) (i) ~~{The}~~ Except as provided in Subsection (2)(b)(iii), the continuing  
education requirements shall require:

4. Page 17, Lines 499 through 500:

499 (D) other [~~method~~] methods provided by rule.

(iii) Notwithstanding Subsection (2)(b)(i)(A) and (B), a title insurance adjuster is required to complete 12 credit hours of continuing education for every two-year licensing period, with three of the credit hours being ethics courses.

500 [~~(e)~~(i)] (c) A licensee may obtain continuing education hours at any time during the

**MOTION:** Sen. Hatch moved to adopt the amendments.

The motion passed unanimously with Sen. Davis absent for the vote.

Victor L. Peterson, Legislative Chair, Utah Association of Health Underwriters; and Brian Walker, President, NAIFA, spoke in support of the bill.

John F. Braun, Assistant Commissioner, Utah Insurance Department, answered questions from the committee.

**MOTION:** Sen. Hatch moved to pass the bill out favorably.

The motion passed unanimously with Sen. Davis absent for the vote.

7. H.B. 195 Insurance Law Amendments (J. Dunnigan)

Rep. Dunnigan explained the bill.

**MOTION:** Sen. Hickman moved to pass the bill out favorably.

The motion passed unanimously with Sen. Davis absent for the vote.

**MOTION:** Sen. Hellewell moved to adjourn.

The motion passed unanimously with Sen. Davis absent for the vote, and the meeting adjourned at 4:40 p.m.

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Sen. Scott K. Jenkins, Chair