

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
THURSDAY, FEBRUARY 7, 2008, 8:30 A.M.
ROOM W015, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Kevin VanTassell, Chair
 Sen. Gene Davis
 Sen. Dan Eastman
 Sen. Bill Hickman
 Sen. Karen Mayne
 Sen. Wayne Niederhauser
 Sen. Carlene Walker

Staff Present: Allison Nicholson, Policy Analyst
 Karen Allred, Committee Secretary

Public Speakers Present: Craig Bickmore, Director, New Car Dealers of Utah
 Wayne Jones, Executive Director, Recreational Vehicle Association
 Frank Pignanelli, Alliance of Automobile Manufacturers
 Gary Thorup, Attorney, Recreational Vehicle Association
 Steve Cloward, Director, Davis Business Alliance
 Candace Daly, State Director, National Federation of Independent
 Business
 Jason Perry, Director, Governor's Office of Economic Development
 Sherrie Hayashi, Commissioner, Utah Labor Commission

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

Chair VanTassell called the meeting to order at 8:35 a.m.

Approval of Minutes

MOTION: Sen. Hickman moved to approve the minutes of the February 5, 2008 meeting.

The motion passed unanimously with Sens. Davis, Eastman, and Walker absent for the vote.

1. 1st Sub. H.B. 53 Impact of Administrative Rules on Small Businesses (S. Clark)

Rep. S. Clark introduced the bill.

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

The motion passed unanimously with Sens. Davis, Eastman, and Niederhauser absent for the vote.

MOTION: Sen. Hickman moved that the bill be placed on the Consent Calendar.

The motion passed unanimously with Sens. Davis, Eastman, and Niederhauser absent for the vote.

2. S.B. 57 Franchise Law Amendments (Eastman)

Sen. Eastman introduced the bill and **1st Sub. S.B. 57** was distributed.

MOTION: Sen. Eastman moved to adopt **1st Sub. S.B. 57**.

The motion passed unanimously with Sens. Davis and Niederhauser absent for the vote.

Craig Bickmore, Director, New Car Dealers of Utah, further explained the bill and answered questions from the committee.

The following amendments were proposed:

1. *Page 13, Lines 385 through 387:*

385 ~~{(iv) by using a formula, computation, or process intended to gauge the~~
 ~~franchisee's~~
386 ~~performance;}~~ or
387 ~~{(v)}~~ (iv) if the franchisee complies with any reasonable requirement
 concerning the sale of

2. *Page 18, Lines 533 through 534:*

533 (5) The franchisor has the burden of proof to establish by ~~{clear and~~
 ~~convincing}~~ a preponderance of the
534 evidence that under the provisions of this chapter it should be granted permission to:-

MOTION: Sen. Walker moved to adopt the amendments.

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

Wayne Jones, Executive Director, Recreational Vehicle Association, spoke in support of the bill.

Frank Pignanelli, Alliance of Automobile Manufacturers, and Gary Thorup, Attorney, Recreational Vehicle Association, spoke to the bill.

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

The motion passed unanimously with Sens. Davis and Niedehauser absent for the vote.

3. 1st Sub. H.B. 37 Utah Business Resource Centers Act (D. Clark)

Rep. Stephen Clark introduced the bill.

Steve Cloward, Director, Davis Business Alliance further explained and spoke in support of the bill.

Candace Daly, State Director, National Federation of Independent Business, spoke in support of the bill.

Jason Perry, Director, Governor's Office of Economic Development, answered questions from the Committee.

MOTION: Sen. Hickman moved to go to the next item on the agenda.

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

4. S.B. 166 Nondiscrimination Amendments (S. McCoy)

Sen. McCoy introduced the bill and a handout was distributed.

Sherrie Hayashi, Commissioner, Utah Labor Commission, answered questions from the Committee.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously, with Sen. Eastman absent for the vote.

Chair VanTassell adjourned the meeting at 9:50 a.m.

Sen. Kevin VanTassell, Committee Chair