

**MINUTES OF THE SENATE BUSINESS & LABOR STANDING COMMITTEE
MONDAY, JANUARY 31, 2011
ROOM 215, SENATE BUILDING**

Members Present: Sen. John Valentine, Chair
Sen. David Hinkins
Sen. Kevin VanTassell
Sen. Gene Davis
Sen. Karen Mayne

Members Absent: Sen. Curt Bramble
Sen. Dan Liljenquist
Sen. Steve Urquhart

Staff Present: Bryant R. Howe, Assistant Director
Karen Allred, Committee Secretary

Public Speakers Present: Brent Halladay, Acting State Fire Marshall
Frank Pignanelli, Winco Fireworks
Mike Denning, General Manager, Winco Fireworks of Utah
David Davis, President, Utah Food Industry Association/Utah Retail Merchants Association

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

Chair Valentine called the meeting to order at 4:20 p.m. and announced that, at the request of the sponsors, S.B. 128 Regulatory Amendments (*C. Bramble*), S.B. 109 Child Protection Registry Amendments, and H.B.194 Service Contracts Act Amendments (*J. Anderson*) would not be heard today.

Approval of Minutes

MOTION: Sen. Van Tassell moved to approve minutes of the January 26 and 27, 2011, meetings.

The motion passed unanimously.

1. **H.B. 188 Labor Commission Related Amendments** (*M. Morley*)

Rep. Morley explained the bill.

Sen. Mayne proposed the following amendment:

1. *Page 2, Lines 43 through 46:*

43 [~~2~~] (3) The rules made under this section shall **protect the rights of the parties**

- and** include procedures to:
- 44 (a) dispose of [~~cases~~] a case informally[;] or [~~to~~] expedite claims adjudication[;];
 - 45 (b) narrow issues[;]; and
 - 46 (c) simplify the methods of proof at [~~hearings~~] a hearing.

MOTION: Sen. Mayne moved to adopt the amendment.

The motion passed unanimously.

MOTION: Sen. Mayne moved to transmit H.B. 188 with a favorable recommendation.

The motion passed unanimously.

2. **H.B. 209 Workers' Compensation Premium Assessment** (*M. Morley*)

Rep. Morley explained the bill.

MOTION: Sen. Davis moved to transmit H.B. 209 with a favorable recommendation.

The motion passed unanimously.

3. **H.B. 43 Errors and Omissions Coverage for Insurance Producers** (*J. Bird*)

Rep. Bird explained the bill.

The following amendment was proposed:

1. *Page 8, Lines 231 through 235:*

- 231 (5) Notwithstanding the other provisions of this section, a resident individual
 producer
- 232 is exempt from the requirement to maintain coverage as provided in this section during a
- 233 period in which the resident individual producer is not either:
- 234 (a) appointed by an insurer under this title; or
- 235 (b) designated by an agency under this title.

(6) A limited lines producer is exempt from this section.

MOTION: Sen. Van Tassell moved to adopt the amendment.

The motion passed unanimously.

Sen. Van Tassell declared a conflict of interest.

MOTION: Sen. Van Tassell moved to transmit H.B. 43 with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Hinkins moved to saunter. The motion passed unanimously.

Chair Valentine called the meeting back to order at 4:50 p.m.

4. **H.B. 22 Fire Prevention and Fireworks Act Amendments** (*J. Dunnigan*)

Rep. Dunnigan explained the bill.

Sen. Hinkins offered the following amendment:

Insert on Line 165: (1) All storage and sales of fireworks in Utah shall be in compliance with National Fire Protection Association 1124, Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition).

MOTION: Sen. Hinkins moved to adopt the amendment.

Rep. Dunnigan spoke against the amendment.

Brent Halladay, Acting State Fire Marshall, spoke to the amendment and answered questions from the committee.

Frank Pignanelli, Winco Fireworks, spoke in support of the amendment.

Mike Denning, General Manager, Winco Fireworks of Utah, spoke in support of the amendment.

Dave Davis, President, Utah Food Industry Association/Utah Retail Merchants Association spoke against the amendment.

Sen. Hinkins withdrew his motion.

MOTION: Sen. Hinkins moved to transmit H.B. 22 with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously.

Chair Valentine adjourned the meeting at 5:24 p.m.

Sen. John Valentine, Committee Chair