

**MINUTES OF THE SENATE BUSINESS & LABOR  
STANDING COMMITTEE  
WEDNESDAY, FEBRUARY 2, 2005, 8:00 A.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. L. Alma Mansell  
Sen. Ed Mayne  
Sen. Michael Waddoups

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

Public Speakers Present: Francine Giani, Director, Division of Consumer Protection  
Laura Polacheck, Associate State Director, AARP Utah  
Michael S. Tingey, Business Owner  
Rob Walker, Attorney  
Linda Hilton, Director, Coalition of Religious Communities  
Frank Pignanelli, Utah Consumer Lending Association  
Kip Cashmore, Utah Consumer Lending Association  
Paul Allred, Attorney, Deputy Commissioner, Department of Financial Institutions  
Richard Weinsoft, Director, Pete Suazo Utah Athletic Commission  
Blaze Wharton, Commissioner, Pete Suazo Athletic Commission

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 8:05 a.m.

**MOTION:** Sen. Killpack moved to adopt the minutes of January 27, and January 31, 2005.

The motion passed unanimously with Sen. Hellewell, Sen. Mansell and Sen. Davis absent for the vote.

**1. H.B. 186 Consumer Protection Amendments ( S. Allen)**

Rep. Allen explained the bill assisted by Francine Giani, Director, Division of Consumer Protection.

Laura Polacheck, Associate State Director, AARP Utah, spoke in support of the bill.

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

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

2. **H.B. 164 Repeal of Utah Personal Introduction Services Protection Act** (S. Allen)

Rep. Allen explained the bill.

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

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

3. **H.B. 30 Consumer Sales Practices Act Amendments** (T. Kiser)

Rep. Kiser explained the bill.

Francine Giani, Director, Division of Consumer Protection, further clarified the bill and spoke in support of the bill.

The following amendment was distributed:

1. *Page 4, Lines 110 through 114a*  
*House Floor Amendments*  
*1-21-2005:*

110 (t) solicits for the sale of a product or service by providing a consumer with an  
111 unsolicited check or negotiable instrument the presentment or negotiation of which  
obligates

112 the consumer to purchase a product or service, unless the supplier is:

113 (i) a depository institution under Section 7-1-103; ~~H→ [or] ←H~~

114 (ii) an affiliate of a depository institution ~~H→ [;] ; {~~or~~}~~

114a (iii) an entity regulated under Title 7, Financial Institutions Act ~~[;]~~ : or

~~←H~~

- (iv) a person who clearly and conspicuously discloses:  
(A) on the front side of the unsolicited check or negotiable instrument that the  
consumer is entering into contractual obligations; and  
(B) on the endorsement side of the unsolicited check or negotiable instrument:  
(I) an explanation of the consumer's obligations;

(II) the cost of goods or services to be received by the consumer; and  
(III) the consumer's right to cancel any obligation assumed by the  
consumer within ten days after the day on which the consumer receives the first bill  
for goods or services.

Michael Tingey, business owner, spoke to the bill.

Rob Walker, attorney, spoke in support of the bill.

Sen. Hickman declared a conflict of interest.

Laura Polacheck, Associate State Director, AARP Utah, spoke to the bill.

Rep. Kiser spoke in opposition to the amendment.

Linda Hilton, Director, Coalition of Religious Communities, spoke in support of the bill.

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

The motion failed unanimously with Sen. Hatch and Sen. Hellewell absent for the vote.

Sen. Killpack proposed the following amendment:

1. *Page 4, Lines 110 through 114a*  
*House Floor Amendments*  
*1-21-2005:*

110           (t) solicits for the sale of a product or service by providing a consumer with an  
111 unsolicited check or negotiable instrument the presentment or negotiation of which  
obligates  
112 the consumer to purchase a product or service {~~-, unless the supplier is:~~  
113 ~~—(i) a depository institution under Section 7-1-103; ~~fi~~→ [or] ←~~fi~~~~  
114 ~~—(ii) an affiliate of a depository institution ~~fi~~→ [.] ; or~~  
114a ~~—(iii) an entity regulated under Title 7, Financial Institutions Act.~~  
~~←fi }~~     ≡

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

The motion passed unanimously with Sen. Hellewell and Sen. Hickman absent for the vote.

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

The motion passed unanimously with Sen. Hellewell and Sen. Hickman absent for the vote.

**4. S.B. 138 Judgment Interest Amendments (E. Mayne)**

Sen. Mayne explained the bill assisted by Frank Pignanelli, Utah Consumer Lending Association, and Kip Cashmore, Utah Consumer Lending Association.

Paul Allred, Attorney, Deputy Commissioner, Department of Financial Institutions, spoke in support of the bill.

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

The motion passed unanimously with Sen. Hellewell and Sen. Hickman absent for the vote.

**5. S.B. 149 Pete Suazo Athletic Commission Amendments (E. Mayne)**

Sen. Mayne presented the bill.

Richard Weinsolt, Director, Pete Suazo Utah Athletic Commission, and Blaze Wharton, Commissioner, Pete Suazo Athletic Commission clarified the bill.

The following amendments were distributed:

1. *Page 2, Line 40:*

40           (c) an HIV negative test regarding each contestant within 180 days  
              ~~{of}~~    before   the contest has

2. *Page 5, Line 141:*

141           (g) after entering the ring or contest area, penetrating an area within four feet  
              of an opponent by a contestant, manager or

3. *Page 9, Line 271:*

271 (d) a statement specifying the ~~{minimum}~~ maximum number of rounds of  
the contest:

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

The motion passed unanimously with Sen. Hellewell and Sen. Hickman absent for the vote.

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

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

**6. S.J.R. 9 Resolution Recognizing 100 Years of Rotary International (P. Knudson)**

Sen. Davis presented the bill.

Sen. Davis and Sen. Mansell declared a conflict of interest.

**MOTION:** Sen Mansell moved to adopt the resolution.

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

Committee Chair Jenkins adjourned the meeting at 9:40 a.m.

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Sen. Scott K. Jenkins, Chair