

**MINUTES OF THE HOUSE BUSINESS AND LABOR  
STANDING COMMITTEE**  
Room W010, West Office Building, State Capitol Complex  
January 24, 2006

**Members Present:** Rep. Stephen D. Clark, Chair  
Rep. Jim Dunnigan, Vice Chair  
Rep. J. Stuart Adams  
Rep. Jackie Biskupski  
Rep. David Clark  
Rep. Carl W. Duckworth  
Rep. Craig A. Frank  
Rep. Neil A Hansen  
Rep. Todd E. Kiser  
Rep. Michael T. Morley  
Rep. Curtis Oda  
Rep. Gordon E. Snow  
Rep. Scott L. Wyatt

**Staff Present:** Allison Morgan, Policy Analyst  
Linda Error, Committee Secretary

**Note:** List of visitors and a copy of handouts are filed with committee minutes.

Vice Chair Dunnigan called the meeting to order at 3:35 p.m.

Rep. Hansen moved to pass the corrected minutes of the January 19, 2006 meeting and the minutes of the January 23, 2006 meeting. The motion passed unanimously, with Rep. D. Clark, Rep. Frank, Rep. Morley, Rep. Oda, and Rep. Wyatt absent for the vote.

**H.B. 272 Insurance Law Amendments (Rep. T. Kiser)**

Rep. Kiser introduced the bill to the committee, with the assistance of John E. "Mickey" Braun, Assistant Commissioner, Utah Insurance Department.

**MOTION:** Rep. Adams moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 283 Motor Vehicle Business Regulation Amendments (Rep. P. Painter)**

Rep. Painter introduced the bill to the committee.

**Spoke for the bill:** Craig Bickmore, Utah Auto Dealer's Association  
Wayne Jones, Independent Auto Dealer's Association

MOTION: Rep. Snow moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 127 Limited Liability Company Amendments (Rep. J. S. Adams)**

Rep. Adams introduced the bill to the committee, with the assistance of Brad Hardy, NHB Holdings, Inc.

Spoke to the bill: Kathy Berg, Utah Division of Corporations and Commercial Code  
George Sutton, General Counsel, NHB Holdings; Callister, Nebeker and McCullough

MOTION: Rep. Morley moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 72 Workers' Compensation for the State (Rep. G. Snow)**

Rep. Snow introduced the bill to the committee.

MOTION: Rep. Snow moved to amend the bill as follows:

1. Page 9, Lines 255 through 256:

- 255 (i) exempt from ~~{Sections 34A-2-201.5,}~~ Section 34A-2-202.5 ~~{,}~~ and  
Subsection 34A-2-704 (14) ; and  
256 (ii) required to pay a premium assessment as provided in Section 34A-2-202.

The motion to amend passed unanimously.

MOTION: Rep. Adams moved to amend the bill as follows:

1. Page 1, Line 1:

- 1 WORKERS' COMPENSATION FUND AND WORKERS' COMPENSATION  
FOR THE STATE

2. Page 1, Lines 8 through 13:

- 8 General Description:  
9 This bill amends the Insurance Code, the Utah Labor Code, and the Utah  
10 Administrative Services Code to address the Workers' Compensation Fund, the  
Fund's assets, and workers' compensation coverage for the state.

11 Highlighted Provisions:

12 This bill:

= ▶ addresses the legal nature of the Workers' Compensation Fund and its assets;

13 ▶ addresses the makeup of the Workers' Compensation Fund's board of directors;

3. Page 1, Lines 26 through 27:

26 AMENDS:

31A-33-103, as last amended by Chapter 222, Laws of Utah 2000

27 31A-33-106, as last amended by Chapters 176 and 186, Laws of Utah 2002

4. Page 2, Line 32:

32 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 31A-33-103 is amended to read:

**31A-33-103. Legal nature of Workers' Compensation Fund.**

(1) The Workers' Compensation Fund is:

(a) a nonprofit, self-supporting, quasi-public corporation;

= (b) subject to statutes governing the Workers' Compensation Fund that may be enacted or modified by the Legislature; and

{~~(b)~~} (c) a legal entity, that may sue and be sued in its own name.

(2) All of the business and affairs of the corporation shall be conducted in the name of the Workers' Compensation Fund or if conducted through a subsidiary, such other corporate names that comply with state law.

= (3) The Workers' Compensation Fund and all of its assets, including the Injury Fund, are:

(a) not owned by the state, other than as a policyholder; and

(b) private in ownership being owned by the Workers' Compensation Fund's policyholders.

**Renumber remaining sections accordingly.**

5. Page 2, Line 53: (6) No two directors may represent or be employed by the same policyholder.

Spoke for the amendment: Paul Rogers, Workers' Compensation Fund (handout)  
Dennis Lloyd, Workers' Compensation Fund  
Rich Thorn, Associated General Contractors  
Tom Bingham, Utah Manufacturer's Association  
Scott Kelly, President, Utah Self Insurer's Association

Spoke against the amendment: Gary Thorup, Property & Casualty Insurers Assoc. of America  
Mike Zuhl, Employers' Insurance Group

The motion to amend passed, with Rep. Biskupski voting in opposition and Rep. D. Clark absent for the vote.

Spoke for the bill: Gary Thorup, Property & Casualty Insurers Assoc. of America  
Mike Zuhl, Employers' Insurance Group  
Rich Thorn, Associated General Contractors  
Tom Bingham, Utah Manufacturer's Association  
Scott Kelly, President, Utah Self Insurer's Association

Spoke to the bill: Paul Rogers, Workers' Compensation Fund  
Dennis Lloyd, Workers' Compensation Fund

MOTION: Rep. Hansen moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. D. Clark absent for the vote.

#### **H.B. 74 Athletic Trainer Licensing Act (Rep. P. Ray)**

Rep. Ray introduced the bill to the committee, with the assistance of Lisa Walker, Utah Athletic Trainers' Association. (handout)

Rep. Adams moved to amend the bill as follows:

1. *Page 6, Lines 162 through 166:*

162 (3) "Athletic injury" means:

163 (a) an injury sustained by an athlete that affects the individual's participation or  
164 performance in sports, games, recreation, or exercise; or

165 (b) a condition that is within the scope of practice of an athletic trainer identified by a  
166 directing physician **or physical therapist** as benefitting from athletic training services.

2. *Page 7, Lines 189 through 191:*

189 (1) A directing physician shall provide direction to an athletic trainer by a verbal

order  
190 when in the presence of the athletic trainer and by written order or by athletic training  
service  
191 plans or protocols when {~~the~~} a directing physician is not present.

3. *Page 8, Lines 230 through 233:*

230 ~~{National Athletic Trainers' Association}~~ Board of Certification Inc. or  
equivalent examination  
231 approved or recognized by the board;  
232 (3) is in good standing with and provides documentation of current certification by  
the  
233 ~~{National Athletic Trainers' Association}~~ Board of Certification Inc. or a  
nationally recognized

The motion to amend passed unanimously, with Rep. Biskupski, Rep. D. Clark, Rep. Hansen, Rep. Kiser, Rep. Morley, and Rep. Oda absent for the vote.

Spoke to the bill: Michelle McOmber, Utah Medical Association

Spoke for the bill: Ed Deringer, President, Utah Physical Therapy Association  
Brian Coles, Utah Athletic Trainers' Association

Rep. Kiser moved to amend the bill as follows:

1. *Page 6, Lines 171 through 177:*

171 (6) "Directing physician" means a physician and surgeon licensed under Section  
172 58-67-301, an osteopathic physician and surgeon licensed under Section 58-68-301, a  
173 chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, a  
174 naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act, or  
175 dentist licensed under Section 58-69-301 who , within the licensee's scope of practice  
and individual competency, is responsible for the athletic training services  
176 provided by the athletic trainer and oversees the practice of athletic training by the athletic  
177 trainer, as established by board rule.

The motion to amend passed unanimously, with Rep. Biskupski, Rep. D. Clark, Rep. Hansen, Rep. Morley, and Rep. Oda absent for the vote.

MOTION: Rep. Frank moved to pass the bill out favorably as amended. The motion passed

unanimously, with Rep. Adams, Rep. Biskupski, Rep. D. Clark, Rep. Morley,  
and Rep. Oda absent for the vote.

**MOTION:** Rep. Kiser moved to adjourn the meeting. The motion passed unanimously, with  
Rep. Adams, Rep. Biskupski, Rep D. Clark, Rep. Morley, and Rep. Oda absent  
for the vote.

Vice Chair Dunnigan adjourned the meeting at 5:45 p.m.

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Rep. Stephen D. Clark, Chair