

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
WEDNESDAY, FEBRUARY 1, 2006, 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: Allison Morgan, Policy Analyst
 Karen Allred, Committee Secretary

Public Speakers Present: Paul Newton, Vice President, Utah Land Title Association
 Dr. Norman Wahlstrom, Pathologist
 Earl Dorius, Regulatory Dir., Dept. of Alcoholic Beverage Control
 Larry Lunt, Chairman, Alcoholic Beverage Control Commission
 Sheila Page, Attorney, Dept. of Alcohol Beverage Control
 Bob Brown, President, Utah Hospitality Association
 Candace Daly, National Federation of Independent Businesses
 Robin Riggs, Salt Lake Area Chamber of Commerce

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

Chair Jenkins called the meeting to order at 8:00 a.m.,

Approval of Minutes

MOTION: Sen. Hellewell moved to approve the minutes of the January 30, 2006 meeting.

The motion passed unanimously with Sens. Mansell, Waddoups, Davis, and Mayne absent for the vote.

1. H.B. 18 Unemployment Compensation - Social Security Offset (D. Cox)

Rep. Cox introduced the bill.

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

The motion passed unanimously with Sens. Mansell, Waddoups, Davis, and Mayne absent for the vote.

2. **S.B. 128 Revolving Credit Line Trust Deed** (*T. Hatch*)

MOTION: Sen. Hatch introduced the bill and moved to adopt **1st Sub. S.B. 128**.

The motion passed unanimously with Sens. Mansell, Waddoups, Davis, and Mayne absent for the vote.

Paul Newton, Vice Pres., Utah Land Title Association, spoke in support of the bill.

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

The motion passed unanimously with Sens. Mansell, Waddoups, Davis, and Mayne absent for the vote.

3. **H.B. 26 Filing Liens** (*S. Clark*)

Rep. Clark introduced the bill.

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

The motion passed unanimously with Sens. Hickman, Mansell, Waddoups, Davis, and Mayne absent for the vote.

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

The motion passed unanimously with Sens. Hickman, Mansell, Waddoups, Davis, and Mayne absent for the vote.

4. **S.B. 145 Regulation of Direct Pathology Billing** (*G. Bell*)

Sen. Bell introduced the bill.

Dr. Norman Wahlstrom, Pathologist, further explained the bill.

MOTION: Sen. Davis moved to proceed to the next item on the agenda.

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

1st Sub. S.B. 145 was distributed.

MOTION: Sen. Mansell moved to adopt **1st Sub. S.B. 145**.

The motion passed unanimously with Sens. Hatch, Waddoups, and Davis absent for the vote.

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

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

5. S.B. 124 Alcoholic Beverage Control Amendments (P. Knudson)

Sen. Knudson introduced the bill.

Earl Dorius, Regulatory Dir., Dept. of Alcoholic Beverage Control, further explained and spoke in support of the bill.

The following amendments were distributed:

1. *Page 6, Lines 171 through 172:*

171 (c) Judicial review of a final commission order concerning a disciplinary proceeding
is
172 governed by Section 32A-1-120 ~~{-and not}~~ **to the extent that Section 32A-1-120 is**
inconsistent with Title 63, Chapter 46b, Administrative Procedures Act.

2. *Page 12, Line 357 through Page 13, Line 373:*

357 (1) (a) In a disciplinary proceeding, as defined in Section 32A-1-119, any [party]
358 respondent named in a final order of the commission may seek judicial review pursuant to
this
359 section.
360 ~~[(2) (a) The findings of the commission on questions of fact are final and are not~~
361 ~~subject to review.]~~
362 ~~[(b) "Questions of fact" include ultimate facts and findings and conclusions of the~~
363 ~~commission on reasonableness and discretion.]~~

364 {+} {-(3)-} (b) After the hearing, the reviewing court shall enter
 judgment affirming or setting
365 aside the order of the commission. {+}
366 {-(b)-} (c) Judicial review of a final commission order concerning a
 disciplinary proceeding is
367 governed by this section {~~and not~~} to the extent that it is inconsistent with
 Title 63, Chapter 46b, Administrative Procedures Act.
368 (2) The reviewing court of a final commission order described in Subsection (1)
 shall {±
369 ~~—(a) review on the record the commission's final order for abuse of discretion;~~
 ~~and~~
370 ~~—(b) (i) affirm the commission's final order if the reviewing court finds that the~~
371 ~~commission did not abuse its discretion; or~~
372 ~~—(ii) remand the case to the commission for the commission to correct an error if~~
 ~~the~~
373 ~~reviewing court finds that the commission abused its discretion.—}~~ review a final
 commission order de novo.

Larry Lunt, Chairman, Alcohol Beverage Control Commission, Sheila Page, Attorney, and Earl Dorius, Dept. of Alcoholic Beverage Control, spoke in support of the bill and against the amendment.

Bob Brown, President, Utah Hospitality Association, spoke in support of the amendment.

MOTION: Sen. Davis moved to adopt the amendment.

The motion passed with Sens. Hickman, Killpack, Davis, and Mayne voting in favor of the amendment, Sens. Jenkins, Helowell, and Mansell voting in opposition, and Sens. Hatch and Waddoups absent for the vote.

MOTION: Sen. Helowell moved to proceed to the next item on the agenda.

The motion passed unanimously with Sens. Hatch and Waddoups absent for the vote.

6. S.B. 157 Impact of Administrative Rules on Small Businesses (H. Stephenson)

Sen. Stephenson introduced the bill.

Candace Daly, State Director, National Federation of Independent Businesses, and Robin Riggs, Salt Lake Area Chamber of Commerce, spoke in support of the bill.

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

The motion passed unanimously with Sens. Hatch, Waddoups, and Davis absent for the vote.

MOTION: Sen. Killpack moved to adjourn.

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

Chair Jenkins adjourned the meeting at 9:35 a.m.

Sen. Scott K. Jenkins, Committee Chair