

**MINUTES OF THE  
BUSINESS AND LABOR INTERIM COMMITTEE**

Wednesday, November 14, 2001 – 8:30 a.m. – Room 403 State Capitol

**Members Present:**

Sen. Dan R. Eastman, Senate Chair  
Rep. Katherine M. Bryson, House Chair  
Sen. Curtis S. Bramble  
Sen. Gene Davis  
Sen. Parley G. Hellewell  
Sen. Ed P. Mayne  
Rep. Gerry A. Adair  
Rep. Roger E. Barrus  
Rep. Cindy Beshear  
Rep. Jackie Biskupski  
Rep. David Clark  
Rep. Carl W. Duckworth

Rep. Ben C. Ferry  
Rep. Thomas Hatch  
Rep. Brad King  
Rep. Karen W. Morgan  
Rep. Brent D. Parker

**Members Absent:**

Sen. L. Steven Poulton  
Rep. Greg J. Curtis

**Staff Present:**

Ms. Mary Catherine Perry, Research Analyst  
Ms. Patricia Owen, Associate General Counsel  
Ms. Jennifer Markham, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

**1. Call to Order**

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

**MOTION:** Rep. Adair moved to approve the minutes of the October 24, 2001 meeting. The motion passed unanimously, with Sen. Hellewell, Rep. Hatch, and Rep. King absent for the vote.

**2. Committee Business**

Ms. Mary Catherine Perry distributed three bills, "Repeal of Utah Occupational Safety and Health Advisory Council," "Alcoholic Beverage Service–Warning Required," and "Legislative Committee Names Revisions," that were recommended by other committees, but affect the Business and Labor Interim Committee subject area.

**3. Insurance Department Report**

Mr. Neal Gooch, Deputy Commissioner, Insurance Department, provided the Committee a statutorily required report regarding the status of interstate compacts, rules, and multi-state agreements made by the Department of Insurance with other governmental agencies or entities. Mr. Gooch distributed copies of the report.

**4. Consideration of Draft Legislation**

**A. Identification Required on Sale of Vehicle**



Mr. Scott Lundberg, expressed support for the draft legislation, but he suggested removing the employee by language from draft and have trustees prepare documents.

Committee discussion followed.

**MOTION:** Rep. Hatch moved to approve the draft legislation "Trustees of Trust Deeds Amendments" as amended as a committee bill. The motion passed unanimously, with Sen. Bramble, Sen. Davis, and Rep. King absent for the vote.

#### **D. Prompt Payment of Subcontractors**

Sen. Michael Waddoups presented draft legislation "Prompt Payment of Subcontractors." A copy of the draft legislation was distributed prior to the meeting.

**MOTION:** Sen. Davis moved to amend the draft legislation as follows:

Page 7, Line 216:                   After "contracts" insert "pursuant to the terms of the construction contract"

The motion passed unanimously, with Sen. Hellewell, Rep. Barrus, Rep. Hatch, and Rep. King absent for the vote.

**MOTION:** Sen. Davis moved to amend the draft legislation as follows:

1. Page 9, Lines 266 - 267:       After "and subcontractor" delete ", or subcontractor and subcontractor"
2. Page 9, Lines 278 - 279:       After "and subcontractor" delete ", or subcontractor and subcontractor"

The motion passed unanimously, with Sen. Hellewell, Rep. Barrus, Rep. Hatch, Rep. King absent for the vote.

Mr. John Young, Legal Counsel, Utah Subcontractors Council, expressed support of the draft legislation. He explained that this legislation was patterned after Arizona's legislation except that this legislation would not allow an owner to opt out of providing notice information. He emphasized that this draft legislation does not force the subcontractor to waive the subcontractor's other rights and remedies on the project for other claims.

Mr. Richard Thorn, President and CEO, Associated General Contractors, expressed opposition to the draft legislation as it is currently written.

Committee discussion followed.

**MOTION:** Sen. Davis moved to approve the draft legislation "Prompt Payment of Subcontractors" as amended as a committee bill. The motion passed with Sen. Bramble, Sen. Eastman, Rep. Barrus, Rep. Clark, Rep. Ferry, and Rep. Parker voting in opposition to the motion. Sen Hellewell, Rep. Hatch, and Rep. King were absent for the vote.

#### **E. Funding Formula for Alcohol Related Activities of Local Governments**

Sen. Michael Waddoups presented draft legislation "Funding Formula for Alcohol Related Activities of Local Governments." A copy of the draft legislation was distributed prior to the meeting. He distributed to committee members "Governor's Council on Driving Under the Influence, 2002 Legislative Session Recommendations for Legislation," "Summary of SFY 2000 Alcohol Funds Annual Reports," and Governor's DUI Council, Funding Needs and Issues Subcommittee Recommendations for Legislation, November 2001."

Mr. Marvin Dodge, Substance Abuse Council, explained the allocation and accountability of funds. Mr. David Spatafore, Utah League of Cities and Towns, expressed support of the draft legislation.

Committee discussion followed.

**MOTION:** Rep. Biskupski moved to approve the draft legislation "Funding Formula for Alcohol Related Activities of Local Governments" as a committee bill.

**SUBSTITUTE MOTION:** Sen. Davis moved to go to the next item on the agenda. The substitute motion failed with Sen. Davis, Sen. Mayne, Rep. Ferry, and Rep. Parker voting in favor of the motion.

The committee returned to the original motion. Rep. Biskupski withdrew her motion.

**MOTION:** Rep. Hatch moved to amend the draft legislation as follows:

Page 2, Line 49:           After "appropriate" insert "an amount not to exceed"

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

**MOTION:** Rep Hatch moved to approve the draft legislation "Funding Formula for Alcohol Related Activities of Local Governments" as amended as a committee bill. The motion passed, with Sen. Davis and Sen. Mayne voting in opposition and Sen. Hellewell absent for the vote.

#### **F. Amendments to Utah Uniform Building Standards Act**

Sen. Parley Hellewell presented draft legislation "Amendments to Utah Uniform Building Standards Act." A copy of the draft legislation was distributed prior to the meeting.

Ms. Ann Vonweller, Chief Building Official, Murray City, explained that purpose of the legislation was to address the standards used for rehabilitation and renovation of existing buildings.

Mr. Dan Jones, Bureau Manager, DOPL (Division of Occupational and Professional Licensing), emphasized that this draft legislation would not change the national electrical code, but that the language changes clarified the process of adopting building codes for the State.

The following expressed opposition to the legislation: (1) Mr. Robert Bergman, Director, Mechanical Contractors Association and Chair, Utah Subcontractors Council; (2) Mr. Clyde Rydalch, Chair, State Electrical Licensing Board and Chair, Joint Apprenticeship Training Committee, Licensed Contractor, and Licensed Master Electrician; and (3) Mr. Craig Winger, Independent Electric Contractors.

Committee discussion followed.

**MOTION:** Rep. Ferry moved to go to next item on the agenda. The motion passed unanimously.

#### **G. Mortgage Practice Act Amendments**

Rep. Gerry Adair presented draft legislation "Mortgage Practice Act Amendments." A copy of the draft legislation was distributed prior to the meeting.

**MOTION:** Rep. Adair moved to amend the draft legislation as follows:

Page 10, Line 296:       After "(ii)" insert "lists"

The motion passed unanimously, with Sen. Bramble, Sen. Davis, and Rep. King absent for the vote.

**MOTION:** Sen. Mayne moved to approve the draft legislation "Mortgage Practice Act Amendments" as amended as a committee bill. The motion passed unanimously with Sen. Bramble, Sen. Davis, and Rep. King absent for the vote.

#### **H. Utah Consumer Credit Reporting Act**

Sen. Gene Davis presented draft legislation "Utah Consumer Credit Reporting Act." A copy of the draft legislation was distributed prior to the meeting.

**MOTION:** Rep. Ferry moved to amend the draft legislation as follows:

1. Page 2, Line 40:       After "license;" insert "or"
2. Page 2, Line 41:       After "opportunity" delete "; or"
3. Page 2, Line 42:       Delete "(v) insurance"

The motion passed unanimously, with Sen. Hellewell, Rep. Hatch, and Rep. King absent for the vote.

Committee discussion followed.

#### **I. Division of Construction Services**

Rep. Stephen Clark presented draft legislation "Division of Construction Services." A copy of the draft legislation was distributed prior to the meeting.

Mr. Ted Boyer, Executive Director, Department of Commerce; and Mr. Craig Jackson, Director, DOPL, discussed how the legislation would change the regulation of the construction industry.

Mr. Richard Thorne, Association of General Contractors, expressed general support for the purpose of the draft legislation and continued willingness to work with Rep. Clark on the draft legislation.

**MOTION:** Rep. Parker moved to approved the draft legislation "Division of Construction Services" as a committee bill.

**SUBSTITUTE MOTION:** Rep Biskupski moved to go to the next item on the agenda. The motion passed unanimously, with Sen. Bramble, Sen. Davis, and Rep. King absent for the vote.

#### **J. Regulation of Termite Inspectors**

This item was not discussed at this meeting.

#### **5. Adjourn**

**MOTION:** Rep. Parker moved to adjourn the meeting. The motion passed unanimously, with Sen. Hellewell, Rep. Hatch, and Rep. King absent for the vote.

Chair Bryson adjourned the meeting at 12:10 p.m.