

H. B. 229 **MEMBERSHIP ON UTAH SPORTS AUTHORITY** **REP. TANNER**

Rep. Tanner introduced the bill.

MOTION: Rep. Arent moved the bill be passed out favorably. The motion passed unanimously with Rep. Barth and Rep. Johnson absent for the vote.

MOTION: Rep. Way moved the bill be placed on the consent calendar. The motion passed unanimously with Rep. Barth and Rep. Johnson absent for the vote.

H. B. 26 **TRADE OR BUSINESS NAMES** **REP. BIGELOW**

Rep. Bradshaw moved to amend the bill as follows:

1. Page 3, Line 29: After "(v)" insert "for a corporation incorporated in or authorized to do business in this state"
2. Page 4, Line 24: After "Subsection (1)" delete "(a)" and insert "(c)"
3. Page 7, Line 5: After "(f)" insert "for a limited partnership that is formed in or registered as a foreign limited partnership in this state"
4. Page 10, Line 13: After "(f)" insert "for a limited liability company that is formed in or registered as a foreign limited liability company in this state"
5. Page 11, Line 2: After "Subsection" delete "(10)" and insert "(9)"

The motion passed unanimously with Rep. Barth and Rep. Johnson absent for the vote.

MOTION: Rep. Arent moved the bill be passed out favorably as amended. The motion passed unanimously with Rep. Barth and Rep. Johnson absent for the vote.

H. B. 44 **TELEMARKETING REQUIREMENTS** **REP. NELSON**

Rep. Nelson introduced the bill.

Speaking to the bill:

- Francine Giani, Utah Department of Commerce

MOTION: Rep. Bush moved to amend Rep. Nelson's amendment and pass the amendment out favorably as amended as follows:

1. Page 1, Line 6: After "PROVIDING DEFINITIONS;" insert "MAKING IT UNLAWFUL FOR ANY TELEPHONE SOLICITING BUSINESS TO EMPLOY OR USE PRISONERS IN SOLICITATIONS;"
2. Page 1, Line 11: After line 11 insert:
"13-26-11, as enacted by Chapter 189, Laws of Utah 1994"
3. Page 3, Line 6: After "before" bracket "8:00" and insert "9:00"
4. Page 3, Line 7: After "after" bracket "9:00" and insert "7:00"
5. Page 3, Line 26: After line 26 insert:
"Section 3. Section **13-26-11** is amended to read:
13-26-11. Prohibited practices.
(1) It is unlawful for any solicitor:
(a) to solicit prospective purchasers on behalf of a telephone soliciting business that is not registered with the division or exempt from registration under this chapter;
(b) to use a fictitious personal name in connection with a telephone solicitation;
(c) to make or cause to be made any untrue material statement, or fail to disclose a material fact necessary to make any statement made not misleading, whether in connection with a telephone solicitation or a filing with the division;
(d) to make or authorize the making of any misrepresentation about its compliance with this chapter to any prospective or actual purchaser; or
(e) to fail to refund within 30 days any amount due a purchaser who exercises the right to cancel under Section 13-26-5.
(2) It is unlawful for any telephone soliciting business;
(a) to cause or permit any solicitor to violate any provision of this chapter; or
(b) to use inmates in telephone soliciting operations.

The motion failed with Rep. Bush and Rep. Way voting for the motion. Rep. Bradshaw and Rep. Johnson were absent for the vote.

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

1. Page 1, Line 6: After "PROVIDING DEFINITIONS;" insert "MAKING IT UNLAWFUL FOR ANY TELEPHONE SOLICITING BUSINESS TO EMPLOY OR USE PRISONERS IN SOLICITATIONS;"
2. Page 1, Line 11: After line 11 insert:
"13-26-11, as enacted by Chapter 189, Laws of Utah 1994"
3. Page 3, Line 6: After "before" bracket "8:00" and insert "9:00"
4. Page 3, Line 7: After "after" bracket "9:00" and insert "7:00"
5. Page 3, Line 26: After line 26 insert:
"Section 3. Section **13-26-11** is amended to read:
13-26-11. Prohibited practices.
(1) It is unlawful for any solicitor:
(a) to solicit prospective purchasers on behalf of a telephone soliciting business that is not registered with the division or exempt from registration under this chapter;
(b) to use a fictitious personal name in connection with a telephone solicitation;
(c) to make or cause to be made any untrue material statement, or fail to disclose a material fact necessary to make any statement made not misleading, whether in connection with a telephone solicitation or a filing with the division;
(d) to make or authorize the making of any misrepresentation about its compliance with this chapter to any prospective or actual purchaser; or
(e) to fail to refund within 30 days any amount due a purchaser who exercises the right to cancel under Section 13-26-5.
(2) It is unlawful for any telephone soliciting business:
(a) to cause or permit any solicitor to violate any provision of this chapter; or
(b) to use inmates in telephone soliciting operations where inmates have access to personal data about an individual sufficient to physically locate or contact that individual, such as names, addresses, telephone numbers, social security numbers, credit card information, or physical descriptions."

The motion passed with Rep. Arent voting against the amendment and Rep. Barth and Rep. Johnson absent for the vote.

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

1. Page 2, Line 23: After "system" insert "except those exempted from registration under Section 13-26-4"

SUBSTITUTE

MOTION: Rep. King moved the bill be held until a future meeting to allow the sponsor to work out questions with the attorneys. The motion passed unanimously with Rep. Bradshaw and Rep. Johnson absent for the vote.

H. B. 57 **ACUPUNCTURE PRACTICE AMENDMENTS** **REP. BRADSHAW**

Rep. Bradshaw introduced the bill.

Speaking to the bill:

Diane Blake, Div. Of Occupational and Professional Licensing

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

1. Page 5, Line 18: Delete "this title" and insert "Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act"

The motion passed unanimously with Rep. Barth absent for the vote.

MOTION: Rep. Zolman moved to amend the amended bill as follows:

1. Page 2, Line 18: After "(4)" insert "(a)"
2. Page 2, Line 22: Delete "(a)" and insert "(i)"
3. Page 2, Line 24: Delete "(b)" and insert "(ii)"
4. Page 2, Line 25: After line 25 insert:
"(b) "Practice of acupuncture" does not include:
(i) the manual manipulation or adjustment of the joints of the human body beyond the elastic barrier; or

(ii) the "manipulation of the articulation of the spinal column" as defined in Section 58-73-102."

The motion passed unanimously with Rep. Barth absent for the vote.

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

1. Page 5, Lines 1-2: Delete "by passing the Test of English as a Foreign Language, including the test for speaking English and the test for writing English" and insert "in accordance with Division Rule"

The motion passed unanimously with Rep. Barth absent for the vote.

MOTION: Rep. Bush moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Barth absent for the vote.

H. B. 5 PROFESSIONAL LICENSE CONDITIONS DISCLOSURE REP. COX

Rep. Cox introduced the bill.

Speaking to the bill:

Craig Jackson, Director, Division of Occupational/Professional Licensing.

Speaking for the bill:

Darren Jorgensen, Eagle Forum

Speaking against the bill:

Dave Gessel, Vice President, Utah Association of Health Care Providers
Taz Biesinger, Utah Home Builders Association

Chair Knudson declared a conflict of interest.

MOTION: Rep. King moved to pass the bill out favorably. The motion failed with Rep. Arent, Rep. Bradshaw, Rep. King and Rep. Harper voting for the bill. Rep. Barth was absent for the vote.

MOTION: Rep. Zolman moved to adjourn. The motion passed unanimously with Rep. Barth absent for the vote.

Chair Knudson adjourned the meeting at 3:40 p.m.

Rep. Peter C. Knudson, Chair