

**MINUTES OF THE HOUSE
BUSINESS, LABOR AND ECONOMIC DEVELOPMENT STANDING COMMITTEE
ROOM 405, STATE CAPITOL BUILDING
February 5, 1998**

MEMBERS PRESENT: Rep. Peter C. Knudson, Chairman
 Rep. Wayne A. Harper, Vice Chair
 Rep. Patrice Arent
 Rep. Steve Barth
 Rep. Afton B. Bradshaw
 Rep. Katherine Bryson
 Rep. Don E. Bush
 Rep. Brad King
 Rep. Loraine T. Pace
 Rep. Glenn L. Way
 Rep. David L. Zolman

MEMBERS ABSENT: Rep. Bradley T. Johnson

STAFF PRESENT: Mary Catherine Perry, Research Analyst
 Pamela Mackay, Secretary

OTHERS PRESENT: Attached to and made a part of these minutes.

Chair Knudson called the meeting to order at 3:20 p.m.

MOTION: Rep. Bush moved to approve the minutes of February 3, 1998. The motion passed unanimously with Reps. Arent, Barth, Bryson, Johnson and Zolman absent for the vote.

H. B. 279 AMENDMENTS TO OLENE WALKER HOUSING TRUST FUND
REP. ADAIR

Rep. Gerry Adair introduced the bill.

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

1. Page 3, Line 9: Delete "or for the purposes outlined in Subsection 9-4-705(1)(d)"

2. Page 3, Line 9: After Line 9 insert:
 "(ii) No more than 2.5% of the fund moneys may be used for the purposes set forth in Subsection 9-4-705(1)(d). However, if there are monies in the fund which have been appropriated to the fund by the Legislature and specifically earmarked for the purposes set forth in Subsection 9-4-705(1)(d), all such monies may be distributed for

the purposes set forth in Subsection 9-4-705(1)(d)."

3. Page 3, Line 10: Bracket "(ii)" and insert "(iii)"

The motion passed unanimously with Reps. Arent, Barth, Bryson and Zolman absent for the vote.

MOTION: Rep. Way moved the bill be passed out favorably as amended. The motion passed unanimously with Reps. Arent, Barth, Bryson and Zolman absent for the vote.

H. B. 313 **CHIROPRACTIC PHYSICIAN PRACTICE ACT AMENDMENTS**
REP. HAYMOND

Rep. Brent Haymond introduced the bill and was assisted by Dr. Brimhall of Chiropractic Practice Law

Speaking to the bill: Dave Fairhurst, Division of Public/Occupational Licensing

Speaking against the bill: Peter Harvey, self
Denise Serreta, Acupuncturist
Glen Earl, President, Acupuncturists of Utah
Larry Higginson, Utah Chiropractic Physician Association
Laurel Sander, Secretary, Acupuncture Licensing Board
Chris Justesen, Utah Acupuncture Licensing Board

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

1. Page 1, Line 7: After the semicolon delete the rest of the line 7
2. Page 1, Line 8: Delete line 8
3. Page 1, Line 9: Delete "A CHIROPRACTOR;" and after "PENALTIES;" insert "PERMITTING A CHIROPRACTIC ASSISTANT TO PERFORM SERVICES UNDER THE SUPERVISION OF A LICENSED CHIROPRACTIC PHYSICIAN;"
4. Page 1, Line 14: After line 14 insert:
"58-73-301, as renumbered and amended by Chapter 253, Laws of Utah 1996
58-73-304, as renumbered and amended by Chapter 253, Laws of Utah 1996"

5. Page 2, Line 10: After line 10 insert:
(3) "Chiropractic assistant" means a person who performs activities related to the practice of chiropractic under the supervision of a licensed chiropractic physician in accordance with division rule established in collaboration with the board."

Reorder remaining subsections accordingly.

6. Page 3, Line 17: After line 17 insert:
"Section 2. Section **58-73-301** is amended to read:
58-73-301. Licensure required -- License classifications.
(1) A license is required to engage in the practice of chiropractic, except as specifically provided in Section ~~[58-1-307 or]~~ 58-73-304.
(2) The division shall issue to a person who qualifies under this chapter a license in the classification of chiropractic physician.
Section 3. Section **58-73-304** is amended to read:
58-73-304. Exemptions from licensure.
(1) ~~[In addition to the exemptions from licensure in Section 58-1-307, an intern-in-training in a chiropractic college or university may]~~ Except as provided in Subsection (2), the exemptions from licensure set forth in Section 58-1-307 apply.
(2) With regard to Subsections 58-1-307(1)(b) and (c), the only exemption from licensure permitted is a preceptorship which may permit a student to engage in acts or practices included within the definition of the practice of chiropractic, while:
~~[(1)]~~ (a) performing the duties and activities which are part of the approved program of education and training of [the] a college or university accredited by the Council on Chiropractic Education; and
~~[(2)]~~ (b) under a form of supervision approved by the division.
(3) In addition to the exemptions provided in Subsection (1) and (2), a chiropractic assistant while working under the supervision of a licensed chiropractic physician is exempt from licensure under this chapter to the extent the chiropractic assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of chiropractic and division rule established in collaboration with the board."

Reorder remaining sections accordingly.

7. Page 3, Line 22: After the semicolon insert "and"

8. Page 3, Line 24: Delete the semicolon and insert a period
9. Page 3, Lines 27-31: Delete lines 27-31
10. Page 4, Lines 1-31: Delete lines 1-31
11. Page 4, Lines 1-18: Delete lines 1-18

Renumber remaining subsections accordingly.

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

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

1. Page 7, Lines 2-3: Delete lines 2-3 and insert:
"(ii) meet the requirements for current active certification in acupuncture under guidelines established by the National Commission for the Certification of Acupuncturists (NCCA) as demonstrated through a current certificate or other appropriate documentation."

SUBSTITUTE

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

1. Page 7, Line 3 After "knowledge" insert "; or (iii) meet the requirements for current active certification in acupuncture under guidelines established by the division as demonstrated through a current certificate or other appropriate documentation"

The motion passed with Reps. Barth, Bradshaw, Bryson and King opposing the motion and Reps. Pace and Zolman absent for the vote.

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

1. Page 6, Line 31 After "rule" delete "in"
2. Page 7, Line 1 Delete "collaboration with the board"
3. Page 7, Line 2 After "division" delete "in collaboration with the board"

The motion passed with Reps. Bush and Way opposing and Rep. Pace absent for the vote.

14. Page 23, Line 24: After "the" delete "on-premise"
15. Page 23, Line 28: After "the" delete "on-premise"
16. Page 24, Line 8: Delete "on-premise"
17. Page 24, Line 12: After "(g)" delete "An on-premise" and insert "A"
18. Page 24, Line 13: After "conducted" delete "in private on the premises of a retail licensee licensed to sell wine at retail for consumption on its premises," and insert "at the department's administrative complex"
19. Page 24, Line 24: Delete "on-premise"
20. Page 24, Line 29: After "the" delete "on-premise"

The motion failed with Reps. Bradshaw, Bryson and Zolman in favor of the motion and Rep. Pace absent for the vote.

MOTION: Rep. Barth moved the bill be passed out favorably. The motion passed with Reps. Bradshaw, Bryson and Zolman opposing and Rep. Pace absent for the vote.

Chair Knudson relinquished the chair to Vice-Chair Harper for the remainder of the meeting.

H. B. 230 **CONSTRUCTION CONTRACT LAW AMENDMENTS**

REP. KNUDSON

Rep. Peter Knudson introduced the bill and was assisted by Tim Whittaker of the American Subcontractors Association of Utah.

Speaking against the bill: Richard Thorne, Associated General Contractors
 Kent Niederhauser, Subcontractors
 Steve Child, Child Construction Company
 Bill Garff, Garff Constructing

MOTION: Rep. Way moved the bill be tabled.

SUBSTITUTE

MOTION: Rep. King moved the bill be held. The motion passed with Reps. Bryson and Way opposing and Reps. Barth and Pace absent for the vote.

MOTION: Rep. Bush moved to adjourn. The motion passed with Reps. Barth and Pace absent for the vote.

Vice-Chair Harper adjourned the meeting at 5:38 p.m.

Rep. Peter C. Knudson, Chair