



## UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • (801) 538-1035 • FAX (801) 538-1414

February 23, 2004

Mr. President:

The Business and Labor Committee recommends **S.B. 239**, UNFAIR COMPETITION ACT, by Senator M. Dmitrich, et al, be replaced and favorably recommends **2nd Sub. S.B. 239**, UNFAIR BUSINESS PRACTICES with the following amendments and recommends that the bill be considered read for the first time:

1. *Page 2, Line 31:*

31 (b) leads to a material diminution in value of ~~[[intangible]]~~ intellectual  
property.

2. *Page 2, Line 34:*

34 value of ~~[[intangible]]~~ intellectual property that is less than or equal to \$20,000;  
or

3. *Page 2, Line 36:*

36 value of ~~[[intangible]]~~ intellectual property that is greater than \$20,000.

4. *Page 2, Lines 28 through 31:*

28 (1) (a) As used in this section and except as provided in Subsection (1)(b) .  
"unfair business practice" means a business act or practice  
29 that:

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- 30            ~~[(a)]~~ (i) is unlawful, unfair, or fraudulent; and  
31            ~~[(b)]~~ (ii) leads to a material diminution in value of intangible property.  
**(b) Notwithstanding Subsection (1)(a), "unfair business practice" does not include the departure and hiring of an employee by a competitor.**

Respectfully,

Parley Hellewell  
Committee Chair

Voting: 4-0-4

7 SB0239.SC1.WPD msteinagel/MBS TCL/RCN 2/23/04 5:46 pm

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