

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
TUESDAY, FEBRUARY 15, 2005, 4:00 P.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: Mark Steinagel, Policy Analyst
Karen Allred, Committee Secretary

Public Speakers Present: Dana Farmer, Chairman, Utah Construction Supplies
Representative Mike Morely
Chris Parker, Office of Legislative Research and General Counsel
Lauren Scholnick, Attorney, Strindberg, Scholnick, and Chamness
Samuel E. Francis, Packaging Salesman
David Farnsworth, General Counsel, My Family.com
Craig Moody, Attorney for Doug Moody
Pamela Silberman, Policy Analyst, Utah Issues
Edwin Rutan, City Attorney, Salt Lake City Corporation
George Neckel, Director, Utah Jobs with Justice
Rich Thorn, Associated General Contractors
Jim Olsen, Utah Food Industry and Utah Retailers Association

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

Sen. Killpack assumed the Committee Chair and called the meeting to order at 4:28 p.m.

MOTION: Sen. Hickman moved to approve the minutes of February 14, 2005.

The motion passed unanimously with Sen. Hellewell, Sen. Mansell, Sen. Waddoups and Sen. Mayne absent for the vote.

1. S.B. 168 Construction Trade Related Amendments (S. Jenkins)

Sen. Jenkins explained the bill assisted by Dana Farmer, Chairman, Utah Construction Supplies.

The following amendments were proposed:

1. *Page 2, Lines 29 through 30:*

29 {~~→~~ **allows as a reimbursable cost the claim application fee required under the
Residence**
30 **Lien Recovery Fund;**}

2. *Page 18, Lines 546 through 551:*

546 (d) (i) Subject to the other provisions of this Subsection (3)(d), the director shall
order
547 payment of costs in the amount stated in the judgment.
548 (ii) If the judgment does not state a sum certain for costs, or if no judgment has been
549 obtained, the director shall order payment of reasonable costs as supported by evidence.
550 (iii) The claim application fee as established by the division pursuant to Subsection
551 38-11-204(1)(b) is ~~{+}~~ **not** ~~{+}~~ a reimbursable cost.

MOTION: Sen. Jenkins moved to adopt the amendments:

The motion passed unanimously with Sen. Hellewell, Sen. Mansell and Sen. Waddoups absent for the vote.

Rep. Mike Morley spoke to the bill.

Chris Parker, Office of Legislative Research and General Counsel, answered questions and clarified the bill.

MOTION: Sen. Hickman moved to go to the next item on the agenda.

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

Sen. Jenkins resumed the Committee Chair.

2. S.B. 113 Employee Noncompetition Contracts (E. Mayne)

Sen. Mayne explained the bill.

Lauren Scholnick, Attorney, Strindberg, Scholnick, and Chamness, further clarified the bill.

Samuel E. Francis, Packaging Salesman, and Craig Moody, Attorney for Doug Moody, spoke in support of the bill.

David Farnsworth, General Counsel, My Family.com, spoke in support of the bill but expressed concerns.

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

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

3. S.B. 69 Family Sustaining Wage Amendments (F. Fife)

Sen. Fife explained the bill.

Speaking in support of the bill were: Pamela Silberman, Policy Analyst, Utah Issues; Edwin Rutan, City Attorney, Salt Lake City Corporation; and George Neckel, Director, Utah Jobs with Justice.

Speaking in opposition to the bill were: Rich Thorn, General Contractor, and Jim Olsen, Utah Food Industry Association and Utah Retailers Association.

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

The motion failed with Sen. Davis and Sen. Mayne voting in favor of the bill, Sen .Jenkins, Sen. Hatch, Sen. Hellewell, Sen. Hickman, Sen. Mansell and Sen. Waddoups voting in opposition and Sen. Killpack absent for the vote.

4. S.B. 172 Division of Real Estate Amendments (M. Waddoups)

Sen. Waddoups explained the bill.

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

The motion passed unanimously with Sen. Hellewell, Sen. Killpack and Sen. Mayne absent for the vote.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously with Sen. Hellewell, Sen. Killpack and Sen. Mayne absent for the vote.

The meeting adjourned at 6:30 p.m.

Sen. Scott K. Jenkins, Chair