

**MINUTES OF THE SENATE BUSINESS & LABOR  
STANDING COMMITTEE  
TUESDAY, FEBRUARY 14, 2006, 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: Allison Morgan, Policy Analyst  
Karen Allred, Committee Secretary

Public Speakers Present: Jodi Hoffman, Utah League of Cities and Towns  
Karl Hendrickson, Utah Association of Counties  
Mike Ostermiller, Utah Association of Realtors  
Bill Perry, Vice President, General Manager, Perry Homes, Inc.  
Mike Lee, Office of the Governor  
Francine Giani, Executive Director, Utah Department of Commerce  
Howard Headlee, President, Utah Bankers Association  
Doug Foxley, Exec. Director, Utah Association of Financial Services  
Shelly Gordon Tuescher, American Express  
Jonathan Johnson, Senior V.P., Legal Affairs, Overstock.com  
Thad LeVar, Director, Utah Division of Consumer Protection

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

Chair Jenkins called the meeting to order at 4:00 p.m.

**MOTION:** Sen. Killpack moved to approve the minutes of the February 3, 2006 and February 9, 2006 meetings.

The motion passed unanimously with Sens. Hatch, Hickman, Mansell, Davis, and Mayne absent for the vote.

**1. S.B. 267 Changes to Local Government Provisions (L. A. Mansell)**

**MOTION:** Sen. Mansell introduced the bill and moved to adopt **1st Sub. S.B. 267**.

The motion passed unanimously with Sens. Hatch, Hickman, Davis, and Mayne absent for the vote.

Sen. Hellewell assumed the chair.

Jodi Hoffman, Utah League of Cities and Towns; Karl Hendrickson, Utah Association of Counties; and Mike Ostermiller, Utah Association of Realtors, spoke in support of the bill.

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

The motion passed unanimously with Chair Jenkins and Sen. Hatch absent for the vote.

**2. S.B. 268 Property Rights Ombudsman (L. A. Mansell)**

**MOTION:** Sen. Mansell introduced the bill, distributed a handout, moved to adopt **1st Sub. S.B. 268.**

The motion passed unanimously with Chair Jenkins and Sen. Hatch absent for the vote.

**MOTION:** Sen. Mansell moved to amend the bill as follows:

*1. Page 9, Lines 268 through 270:*

268           (b) If no agreement can be reached within ~~{three}~~ **four** business days after  
                  notice is delivered  
269           pursuant to subsections (4) and (5), the Office of the Property Rights Ombudsman shall  
                  appoint  
270           a neutral third party to issue an advisory opinion.

The motion passed unanimously with Chair Jenkins and Sen. Hatch absent for the vote.

Mike Ostermiller, Utah Association of Realtors, answered questions from the committee, and spoke in support of the bill.

Bill Perry, V.P., Perry Homes, Inc; Karl Hendrickson, Utah Association of Counties; and Jodi Hoffman, Utah League of Cities and Towns, spoke in support of the bill.

Mike Lee, Office of the Governor; and Francine Giani, Ex. Dir., Utah Department of Commerce, spoke to the bill.

Chair Jenkins resumed the chair.

**MOTION:** Sen. Waddoups moved to amend the bill as follows:

1. *Page 10, Lines 279 through 280:*

279 (c) issue a written advisory opinion within 15 business days after the  
appointment of the neutral third party under Subsection (6)(b) .  
280 unless:

The motion passed unanimously.

**MOTION:** Sen. Mayne moved to pass out favorably **1st Sub. S.B. 268**, as amended.

The motion passed unanimously.

3. **S.B. 252 Consumer Credit Code Amendments** (*C. Bramble*)

Sen. Bramble introduced the bill.

**MOTION:** Sen. Hellewell moved to adopt **1st Sub. S.B. 252**.

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

Howard Headlee, President, Utah Bankers Association and Shelley Gordon Tuescher, American Express, spoke in support of the bill.

Doug Foxley, Executive Director, Utah Association of Financial Services, spoke to the bill.

**MOTION:** Sen. Davis moved to pass out **1st Sub. S.B. 252** favorably.

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

4. **S.B. 269 Securities Amendments** (*C. Bramble*)

Sen. Bramble introduced the bill.

Jonathan Johnson, Senior Vice President, Legal Affairs, Overstock.com, spoke in support of the bill.

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

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

**MOTION:** Sen. Hatch moved to place the bill on the Consent Calendar.

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

**5. 1st Sub. S.B. 65 Consumer Protection Agency (M. S. Lawrence)**

Rep. Lawrence introduced the bill.

Thad LeVar, Director, Utah Division of Consumer Protection, spoke in support of the bill.

**MOTION:** Sen. Hickman moved to pass the bill out favorably.

The motion passed unanimously with Sens. Mansell and Davis absent for the vote.

**MOTION:** Sen. Killpack moved to adjourn.

The motion passed unanimously with Sens. Mansell and Davis absent for the vote.

Chair Jenkins adjourned the meeting at 5:25 p.m.

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Sen. Scott K. Jenkins, Committee Chair