

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
THURSDAY, FEBRUARY 15, 2007, 8:15 A.M.
ROOM W015, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Kevin VanTassell, Chair
Sen. Wayne Niederhauser
Sen. Carlene Walker

Members Excused: Sen. Dan Eastman
Sen. Bill Hickman
Sen. Gene Davis
Sen. Ed Mayne

Staff Present: Allison Nicholson, Policy Analyst
Karen Allred, Committee Secretary

Public Speakers Present: Larry Lunt, Chair, Alcoholic Beverage Control Commission
Leonard Langford, Director of Finance, Department of Alcoholic Beverage
Control
Earl Dorius, Director of Compliance, Department of Alcoholic Beverage
Control
Jim Olsen, President, Utah Food Industry Association
Scott Sabey, Attorney, Motion Picture Association of America
Mike Kuehn, Deputy Commissioner, Department of Public Safety
Craig Moody, Utah Construction Suppliers Association
Robert Bergman, Utah Mechanical Contractors Association
Joey Gilbert, Vice President, Association of General Contractors
Suzette Green-Wright, Health Insurance Director, Utah Insurance
Department
Kelly Atkinson, Executive Director, Utah Health Insurance Association

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

Chair VanTassell called the meeting to order at 8:22 a.m.

Approval of Minutes

MOTION: Sen. Niederhauser moved to approve the minutes of the February 13, 2007 meeting.

The motion passed unanimously.

1. **S.B. 205 Alcoholic Beverage Control Amendments** (*P. Knudson*)

Sen. Knudson introduced the bill and a handout was distributed.

Larry Lunt, Chair, Alcoholic Beverage Control Commission; Leonard Langford, Director of Finance, Department of Alcoholic Beverage Control; and Earl Dorius, Director of Compliance, Department of Alcoholic Beverage Control; further clarified the bill, answered questions from the committee, and spoke in support of the bill.

Jim Olsen, President, Utah Food Industry Association, spoke to the bill.

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

The motion passed unanimously.

2. **H.B. 271 Corporation Law Amendments** (*K. Garn*)

Rep. Garn introduced the bill and answered questions from the committee.

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

The motion passed unanimously.

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

The motion passed unanimously.

3. **H.B. 279 Camcorder Piracy of Media** (*K. Garn*)

Rep. Garn introduced the bill.

Scott Sabey, Attorney, Motion Picture Association of America, further clarified and spoke in support of the bill.

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

The motion passed unanimously.

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

The motion passed unanimously.

4. 1st Sub. H.B. 46 Disaster Recovery Funding (C. Oda)

Rep. Oda introduced the bill.

Mike Kuehn, Deputy Commissioner, Department of Public Safety, spoke in support of the bill.

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

The motion passed unanimously.

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

The motion passed unanimously.

5. 3rd Sub. H.B. 277 Construction Amendments (M. Morley)

Rep. Morley introduced the bill and the following amendments were distributed:

1. *Page 3, Lines 60 through 63:*

60 ~~{(iii) For purposes of this determining final completion, the term "substantial~~
~~work"~~
61 ~~does not include:~~
62 ~~—(A) repair work; or~~
63 ~~—(B) warranty work.}~~

2. *Page 3, Lines 71 through 73:*

71 (c) For purposes of this ~~{section}~~ chapter , the term "substantial work" does
not include:
72 (i) repair work; or
73 (ii) warranty work.

3. *Page 7, Lines 197 through 203:*

197 (b) ~~{For a construction project where a building permit is not issued;~~
~~within}~~ Within 15 days

198 after commencement of physical construction work at the project site, the original
contractor or
199 owner-builder may file a notice of commencement with the database if:
(i) a building permit is not issued; or
(ii) a building permit is issued but a notice of commencement under Subsection
(1)(a) is not obtained .
200 {~~(c) If a building permit is issued more than 15 days after commencement of~~
~~physical~~
201 ~~construction work at the project site, a notice of commencement based on that~~
~~building permit~~
202 ~~is effective only as to a person who did not provide labor, service, equipment, or~~
~~material~~
203 ~~before the filing of the notice of commencement.~~ }

4. Page 7, Lines 183 through 187:

183 (1) (a) (i) (A) For a construction project where a building permit is issued to an
original
184 contractor or owner-builder, within 15 days after the issuance of the building
permit {~~;~~} ∴
(I) the local
185 government entity issuing that building permit shall input the building permit application
and
186 transmit the building permit information to the database electronically by way of the
Internet or
187 computer modem or by any other means [~~and such~~] {~~;~~} ; and
(II) the original contractor or owner-builder may file a notice of commencement
based on the building permit issued by the local government entity.

MOTION: Sen. Niederhauser moved to adopt the amendments.

The motion passed unanimously.

Craig Moody, Utah Construction Suppliers Association; Robert Bergman, Utah Mechanical Contractors Association; and Joey Gilbert, Vice President, Association of General Contractors; spoke in support of the bill.

MOTION: Sen. Walker moved to pass the bill out favorably as amended.

The motion passed unanimously.

6. H.B. 295 Insurance Law Amendments (*J. Dunnigan*)

Rep. Dunnigan explained the bill and the following amendments were distributed:

1. Page 106, Lines 3269 through 3272:

3269 (c) "Viatical settlement" does not include:

3270 (i) a loan by an insurer pursuant to the terms of a policy; {+} or {+}

3271 (ii) a loan secured by the cash value of a policy {+} . {+} {~~;~~ or

3272 ~~— (iii) the purchase of a policy by the life insurer pursuant to Section 31A-22-419. }~~

MOTION: Sen. Walker moved to adopt the amendments.

The motion passed unanimously.

Suzette Green-Wright, Health Insurance Director, Utah Insurance Department, answered questions from the committee and spoke in support of the bill.

Kelly Atkinson, Executive Director, Utah Health Insurance Association, spoke in support of the bill.

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

The motion passed unanimously.

MOTION: Sen. Walker moved to adjourn.

The motion passed unanimously at 9:42 a.m.

Sen. Kevin VanTassell, Committee Chair