

**MINUTES OF THE HOUSE BUSINESS AND LABOR  
STANDING COMMITTEE**  
Room W010, West Office Building, State Capitol Complex  
February 12, 2007

**Members Present:** Rep. Stephen D. Clark, Chair  
Rep. Jim Dunnigan, Vice Chair  
Rep. Jackie Biskupski  
Rep. David Clark  
Rep. Carl W. Duckworth  
Rep. Ben Ferry  
Rep. Gage Froerer  
Rep. Kevin Garn  
Rep. Neil A Hansen  
Rep. Todd E. Kiser  
Rep. Michael T. Morley  
Rep. Paul Neuenschwander  
Rep. Mark Walker

**Staff Present:** Allison Nicholson, Policy Analyst  
Linda Error, Committee Secretary

**Note:** List of visitors and a copy of handouts are filed with committee minutes.

Vice Chair Dunnigan called the meeting to order at 8:06 a.m.

**MOTION:** Rep. Hansen moved to approve the minutes of the February 8, 2007 meeting. The motion passed unanimously, with Rep. D. Clark, Rep. Ferry, Rep. Kiser, Rep. Morley, and Rep. Walker absent for the vote.

Vice Chair Dunnigan relinquished the chair to Chair S. Clark.

**H.B. 386 Insurance Department Funding (Rep. J. Dunnigan)**

**MOTION:** Rep. Dunnigan moved to delete in title and body **H.B. 386** and replace it with **1st Substitute H.B. 386** and amend the bill as follows:

1. *Page 3, Lines 72 through 75:*

- 72           (6) (a) There is created a restricted account within the General Fund known as the  
73           "Insurance Department Restricted Account."  
74           (b) (i) Except as provided in ~~{-Subsection}~~ Subsections (6)(b)(ii) and  
              (iii) , the Insurance Department Restricted  
75           Account shall consist of:

2. *Page 4, Lines 92 through 93:*

92 (I) Subsection 63-38a-105(7).

(iii) Notwithstanding Subsection (6)(b)(i)(B), any fine, forfeiture, or penalty collected by the department under this title shall be deposited into the General Fund as free revenue unless its use is otherwise restricted.

93 (c) The Legislature shall appropriate funds from the Insurance Department Restricted

The motion to substitute and amend the bill passed unanimously, with Rep. D. Clark, Rep. Ferry, Rep. Kiser, Rep. Morley, and Rep. Walker absent for the vote.

Rep. Dunnigan introduced the substitute bill to the committee with the assistance of Kent Michie, Commissioner, Utah Insurance Department.

Spoke for the bill: Kelly Atkinson, Executive Director, Utah Health Insurance Association  
Curt Howell, Executive Director, United Health Care of Utah

MOTION: Rep. Hansen moved to pass the substitute bill out favorably as amended. The motion failed, with Rep. Biskupski, Rep. D. Clark, Rep. S. Clark, Rep. Dunnigan, Rep. Hansen, and Rep. Walker voting in favor. Rep. Kiser was absent for the vote.

Vice Chair Dunnigan resumed the chair.

### **H.B. 153      Securities Amendments (*Rep. J. Bird*)**

Rep. Bird introduced the bill to the committee with the assistance of Stephen Christiansen, Attorney, Van Cott, Bagley, Cornwall, and McCarthy.

Spoke against the bill: Wayne Klein, Director, Division of Securities (handout)  
Erik Christiansen, Attorney  
Ed McCartney, Advisory Board, Division of Securities and

Vice President, Fidelity Investments

MOTION: Rep. Froerer moved to pass the bill out favorably.

### **SUBSTITUTE**

MOTION: Rep. Ferry moved to proceed to the next item on the agenda. The motion failed, with Rep. Duckworth, Rep. Dunnigan, Rep. Froerer, Rep. Morley, and Rep.

Neuenschwander voting in opposition. Rep. D. Clark, Rep. Hansen, and Rep. Kiser were absent for the vote.

The original motion to pass the bill out favorably passed, with Rep. Biskupski and Rep. Ferry voting in opposition. Rep. D. Clark, Rep. Hansen, and Rep. Kiser were absent for the vote.

**S.B. 108      Workers' Compensation - Time Limitations (Sen. E. Mayne)**

Sen. Mayne introduced the bill to the committee.

Spoke for the bill:      Dennis Lloyd, Senior Vice President and General Counsel, Workers Compensation Fund of Utah

MOTION:      Rep. Garn moved to pass the bill out favorably. The motion passed unanimously, with Rep. D. Clark, Rep. Hansen, and Rep. Kiser absent for the vote.

MOTION:      Rep. S. Clark moved that **S.B. 108** be placed on the Consent Calendar. The motion passed unanimously, with Rep. D. Clark, Rep. Hansen, Rep. Kiser, and Rep. Walker absent for the vote.

**S.B. 9 Nonprofit Corporation Amendments (Sen. L. Hillyard)**

Sen. Hillyard introduced the bill to the committee

MOTION:      Rep. Ferry moved to pass the bill out favorably. The motion passed unanimously, with Rep. Biskupski, Rep. D. Clark, and Rep. Hansen absent for the vote.

**S.B. 83      Acupuncture Licensing Act Amendments (Sen. S. McCoy)**

Sen. McCoy introduced the bill to the committee.

MOTION:      Rep. Garn moved to pass the bill out favorably. The motion passed unanimously, with Rep. D. Clark and Rep. Hansen absent for the vote.

**H.B. 374      Integrated Health System Fair Practices Act (Rep. R. Lockhart)**

Rep. Lockhart introduced the bill to the committee.

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

1. Page 2, Lines 35 through 38:

- 35 intermediaries controls, is controlled by, or is under common control with {~~a~~  
nonprofit} an  
36 organization.  
37 (2) "Integrated health system" means {~~a nonprofit~~} an organization that  
directly, or through  
38 an affiliate or subsidiary:

The motion to amend passed unanimously, with Rep. D. Clark and Rep. Hansen absent for the vote.

Spoke for the bill: Alan Dayton, Intermountain Health Care

MOTION: Rep. Duckworth moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. D. Clark and Rep. Hansen absent for the vote.

MOTION: Rep. S. Clark moved to reconsider the previous action taken on **H.B. 386**. The motion failed, with Rep. Biskupski, Rep. S. Clark, Rep. Dunnigan, Rep. Kiser, and Rep. Walker voting in favor. Rep. D. Clark and Rep. Hansen were absent for the vote.

MOTION: Rep. Biskupski moved to adjourn the meeting. The motion passed unanimously, with Rep. D. Clark and Rep. Hansen absent for the vote.

Vice Chair Dunnigan adjourned the meeting at 9:35 p.m.