

**MINUTES OF THE HOUSE BUSINESS AND LABOR  
STANDING COMMITTEE**

Room 450, State Capitol, Utah State Capitol Complex  
February 13, 2009

**Members Present:** Rep. Jim Dunnigan, Chair  
Rep. Patrick Painter, Vice Chair  
Rep. Jackie Biskupski  
Rep. Stephen Clark  
Rep. Susan Duckworth  
Rep. Gage Froerer  
Rep. Francis Gibson  
Rep. Neil Hansen  
Rep. Brian King  
Rep. Todd Kiser  
Rep. Michael Morley  
Rep. Brent Wallis  
Rep. Curt Webb

**Members Excused:** Rep. Kevin Garn

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

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

Rep. Dunnigan called the meeting to order at 8:10 a.m.

**MOTION:** Rep. Duckworth moved to approve the minutes of the February 10, 2009 meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Clark, Rep. Gibson, Rep. Morley, Rep. Painter, and Rep Webb absent for the vote.

**H.B. 280 Insurance Code - Continuing Education (*Rep. J. Bird*)**

Rep. Bird presented the bill to the committee.

**MOTION:** Rep. Hansen moved to adopt 1st Substitute H.B. 280. The motion passed unanimously, with Rep. Biskupski, Rep. Morley, Rep. Painter, and Rep. Webb absent for the vote.

**MOTION:** Rep. Clark moved to pass the bill out favorably.

**SUBSTITUTE**

**MOTION:** Rep. Froerer moved to amend the bill as follows:

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

- 71 (d) (i) [~~Beginning May 3, 1999, a~~] A licensee is exempt from continuing education  
72 requirements under this section if:  
73 (A) the licensee was first licensed before April 1, {~~1970~~} 1978 ;

The substitute motion to amend passed, with Rep. Duckworth, Rep. Dunnigan, Rep. Hansen, Rep. King, and Rep. Painter voting in opposition. Rep. Morley was absent for the vote.

**MOTION:** Rep. Hansen moved to pass the bill out favorably. The motion passed, with Rep. Dunnigan voting in opposition. Rep. Morley was absent for the vote.

Rep. Dunnigan relinquished the chair to Rep. Painter.

**H.B. 352 Alcoholic Beverage Related Amendments (Rep. J. Dunnigan)**

Rep. Dunnigan presented the bill to the committee with the assistance of John Freeman, Department of Alcoholic Beverage Control.

Spoke for the bill: Art Brown, President, MADD of Utah  
Steve Barth, Citizen

**MOTION:** Rep. Gibson moved to pass the bill out favorably. The motion passed unanimously, with Rep. Kiser absent for the vote.

**S.B. 15 Workers' Compensation Premium Assessment and Workplace Safety Funding (Sen. K. Mayne)**

Sen. Mayne presented the bill to the committee with the assistance of Dennis Lloyd, Worker's Compensation Fund of Utah and Rep. Mike Morley, Utah House of Representatives.  
(handout)

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

**H.B. 117 Mechanical Contractor Licensing Provisions (Rep. L. Wiley)**

**MOTION:** At the request of the sponsor, Rep. Dunnigan moved to return the bill to the Rules Committee with the recommendation that it be placed on the master study

resolution for interim study. The motion passed unanimously, with Rep. Kiser absent for the vote.

**H.B. 249 Continuing Education for Contractors Amendments (*Rep. R. Bigelow*)**

Rep. Bigelow presented the bill to the committee with the assistance of Troy Council, owner, Doctor Woodgrain and Design.

Spoke for the bill: David Mefford, owner, Utah Flood and Fire  
Taz Biesinger, Utah Home Builders Association

Spoke against the bill: Brad Stevens, Construction Services Commission

MOTION: Rep. Duckworth moved to hold the bill in committee until the next scheduled meeting. The motion failed, with Rep. Biskupski, Rep. Duckworth, Rep. Dunnigan, and Rep. Hansen voting in favor.

MOTION: Rep. Froerer moved to pass the bill out favorably. The motion passed, with Rep. Biskupski, Rep. Duckworth, Rep. Dunnigan, Rep. Hansen, and Rep. King voting in opposition.

**H.B. 152 Appraisal Management Company Regulation (*Rep. M. Morley*)**

Rep. Morley presented the bill to the committee.

Spoke for the bill: Rick Lifford, Utah Association of Appraisers  
Lee Gardner, Salt Lake County Assessor

MOTION: Rep. Wallis moved to pass the bill out favorably. The motion passed unanimously, with Rep. Biskupski, Rep. Dunnigan, and Rep. Kiser absent for the vote.

**S.B. 31 Utah Residential Mortgage Practices and Licensing Act (*Sen. W. Niederhauser*)**

Sen. Niederhauser presented the bill to the committee with the assistance of Mark Steinagel, Director, Division of Real Estate.

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

1. Page 2, Lines 33 through 34:

33 Other Special Clauses:

34 This bill provides an effective date.

**This bill coordinates with H.B. 86, Division of Real Estate Related Amendments, by making technical changes.**

2. Page 50, Lines 1534 through 1536:

1534 Section 31. Effective date.

1535 This bill takes effect January 1, 2010, except that Section 62-2c-205.1 takes effect on

1536 July 1, 2009.

**Section 32. Coordinating S.B. 31 with H.B. 86 -- Technical changes.**

**If this S.B. 31, and H.B. 86, Division of Real Estate Related Amendments, both pass, it is the intent of the Legislature that in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel modify Section 61-2c-402 to read as follows:**

"(1) Subject to the requirements of Section 61-2c-402.1, ~~{if an individual or entity}~~

**the commission, with the concurrence of the division, may impose a sanction described in Subsection (2) against a person if the person:**

**(a) (i) is a licensee or person** required to be licensed under this chapter **; and**

**(ii)** violates this chapter ~~{,}~~ **;** or ~~{an}~~

**(b) (i) is a certified** education provider **or person** required to be certified **to provide prelicensing or continuing education** under this chapter **; and**

**(ii)** violates this chapter ~~{, the}~~ **;**

**(2) The** commission, with the concurrence of the director, may **against a person described in Subsection (1)** :

~~{(1)}~~ **(a)** impose an educational requirement;

~~{(2)}~~ **(b)** impose a civil penalty against the individual or entity in an amount not to exceed the greater of:

~~{(a)}~~ **(i)** \$2,500 for each violation; or

~~{(b)}~~ **(ii)** the amount equal to any gain or economic benefit derived from each violation;

~~{(3)}~~ **(c)** deny an application for an original license;

~~{(4)}~~ **(d)** do any of the following to a license under this chapter:

~~{(a)}~~ **(i)** suspend;

~~{(b)}~~ **(ii)** revoke;

~~{(c)}~~ **(iii)** place on probation;

~~{(d)}~~ **(iv)** deny renewal;

~~{(e)}~~ **(v)** deny reinstatement; or

~~{(f)}~~ **(vi)** in the case of a denial or revocation of a license, set a waiting period for ~~{an applicant}~~ **a person** to apply for a license under this chapter;

~~{(5)}~~ **(e)** issue a cease and desist order; ~~{or}~~

**(f) require the reimbursement of the division of costs incurred by the division**

**related to the recovery, storage, or destruction of a record that the person disposes of in a manner that violates this chapter or a rule made under this chapter;**  
**(g) modify a sanction described in Subsections (2)(a) through (f) if the commission finds that the person complies with court ordered restitution; or**  
~~{(6) do}~~ **(h) impose** any combination of ~~{Subsections (1) through (5).}~~ }  
**sanctions described in this Subsection (2).** "

The motion to amend passed unanimously, with Rep. Biskupski, Rep. Duckworth, Rep. Dunnigan, and Rep. Kiser absent for the vote.

MOTION: Rep. Clark moved to pass the bill out favorably. The motion passed unanimously, with Rep. Biskupski, Rep. Duckworth, Rep. Dunnigan, and Rep. Kiser absent for the vote.

MOTION: Rep. Wallis moved to adjourn the meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Duckworth, Rep. Dunnigan, and Rep. Kiser absent for the vote.

Rep. Painter adjourned the meeting at 9:55 a.m.

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Rep. James Dunnigan, Chair