

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

Room 450, State Capitol, Utah State Capitol Complex

February 23, 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. Kevin Garn
Rep. Francis Gibson
Rep. Neil Hansen
Rep. Brian King
Rep. Todd Kiser
Rep. Michael Morley
Rep. Brent Wallis
Rep. Curt Webb

Staff Present: Phil Dean, 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 4:40 p.m.

MOTION: Rep. Painter moved to approve the minutes of the February 20, 2009 meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Clark, Rep. Duckworth, Rep. Gibson, and Rep. Morley absent for the vote.

H.B. 402 Enforcement of Carbon Monoxide Detector Requirements (*Rep. K. Garn*)

Rep. Garn presented the bill to the committee.

Spoke to the bill: Scott Marsell, building official, Sandy City

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

MOTION: Rep. Garn moved to place H.B. 402 on the Consent Calendar. The motion passed unanimously, with Rep. Biskupski, Rep. Clark, Rep. Duckworth, and Rep. Morley absent for the vote.

S.B. 139 Employer Election Retirement Amendments (*Sen. C. Bramble*)

Rep. Garn presented the bill to the committee.

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

MOTION: Rep. Garn moved to place S.B. 139 on the Consent Calendar. The motion passed unanimously, with Rep. Biskupski and Rep. Morley absent for the vote.

H.B. 347 Alcoholic Beverage Control Act Modifications (*Rep. G. Hughes*)

Rep. Hughes presented the bill to the committee with the assistance of Tani Downing, General Counsel for the Governor and Earl Dorius, Department of Alcoholic Beverage Control.

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

1. *Page 72, Lines 2200 through 2201:*

2200 (23) (a) A social on-premise liquor license may not be transferred from one location
 to
2201 another {~~person~~} ~~location~~, without prior written approval of the commission.

2. *Page 72, Lines 2207 through 2208:*

2207 (24) Subject to Subsections (22) and (23), a social on-premise liquor licensee may
 not ~~temporarily~~
2208 rent or otherwise ~~temporarily~~ lease its premises to a person unless:

3. *Page 77, Lines 2367 through 2376:*

2367 (c) If after the conversions under Subsection (1) and the allocation under Subsection
2368 (2)(a), there are social on-premise liquor licenses that may be issued by the commission, if
 a
2369 restaurant liquor licensee renews its license under this section as of September 30, 2009:
2370 (i) the restaurant liquor licensee may request converting its license to a class 1 social
2371 on-premise liquor license;
2372 (ii) notwithstanding the renewal fee required under Section 32A-4-102, the
 restaurant
2373 liquor licensee shall pay a renewal fee of \$1,600; and
2374 (iii) effective {~~October~~} ~~November~~ 1, 2009, if the restaurant liquor

licensee qualifies as a class 1

2375 social on-premise liquor licensee, the department shall automatically convert the restaurant
2376 liquor license to a class 1 social on-premise liquor license.

4. *Page 105, Lines 3249 through 3250:*

3249 [~~39~~] (32) A private club license may not be transferred from one location to another
3250 {~~person~~} location, without prior written approval of the commission.

5. *Page 106, Lines 3256 through 3257:*

3256 (34) Subject to Subsections (31) {~~through~~} and (33), a private club
licensee may not temporarily rent or
3257 otherwise temporarily lease its premises to a person unless:

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

Spoke for the bill: Art Cazares, Bombara Restaurant
Danny Richardson, Utah Tourism Industry Coalition
Melva Sine, Utah Restaurant Association
Tom Guinney, Gastronomy
Mark Livingston, Utah Hospitality Association

Spoke against the bill: Jeff Novak, Coalition for Ethics and Accountability in
Government
Jaynie Brown, MADD of Utah
Laura Bunker, Citizens for Families
Will Muhs, citizen, Ogden, Utah
Kris Kimball, United Women's Forum
Sally Brinton, mother and grandmother

Spoke to the bill: Rep. Curtis Oda, Utah House of Representatives

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

1. Page 33, Line 973: after "than" delete "48" and insert "24"

SUBSTITUTE

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

6. *Page 32, Lines 971 through 975:*

971 (i) used by the social on-premise liquor licensee only for purposes of verifying proof
972 of age in accordance with this section; and
973 (ii) retained by the social on-premise liquor licensee for no more than {48
hours} seven calendar days from
974 close of business of the day on which the social on-premise liquor licensee obtains the
975 information.

The substitute motion to amend passed, with Rep. Dunnigan, Rep. Froerer, Rep. Gibson, Rep. Painter, and Rep. Wallis voting in opposition. Rep. Garn was absent for the vote.

MOTION: Rep. Clark moved to pass the bill out favorably. The motion passed, with Rep. Dunnigan, Rep. Gibson, Rep. Kiser, Rep. Morley, and Rep. Webb voting in opposition. Rep. Garn was absent for the vote.

Rep. Dunnigan relinquished the chair to Rep. Painter.

H.B. 192 Personal Injury Judgment Interest (Rep. J. Dunnigan)

Rep. Dunnigan presented the bill to the committee.

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

1. *Page 1, Lines 9 through 17:*

9 This bill amends the {~~date that a plaintiff may claim~~} the interest
rate on {~~special~~} personal injury damages {~~, and~~
10 defines interest as simple interest and not compounded interest} .
11 Highlighted Provisions:
12 This bill:
13 {~~requires interest accrued on special damages to be simple interest, not~~
compound
14 interest; and}
15 ▶ changes the {~~date from which~~} rate of interest {~~is accrued for~~
special damages from the date of
16 the occurrence of the act giving rise to the cause of the action to the date that the

17 ~~damage was actually incurred.~~ } on damages for personal injury actions.

2. Page 2, Lines 28 through 44:

28 78B-5-824. Personal injury judgments -- Interest authorized.

29 (1) In all actions brought to recover damages for personal injuries sustained by any
30 person, ~~resulting from or occasioned by the tort of any other person, corporation,~~
~~association,~~

31 ~~or partnership, whether by~~ caused by the negligence or willful intent of ~~[that other]~~
another

32 person {+} , **corporation, association, or partnership** {+} ~~{-or entity-}~~ , and
whether the injury was fatal or

33 otherwise, the plaintiff in the complaint may claim interest on special damages actually
34 incurred {+} **from the date of the occurrence of the act giving rise to the cause of**
action {+} .

35 (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add
to

36 the amount of special damages actually incurred that are assessed by the verdict of the
jury, or

37 found by the court, prejudgment interest on that amount calculated at ~~{the legal rate, as~~
defined

38 ~~in Section 15-1-1}~~ 7.5% simple interest per annum , {+} **from the date of the**
occurrence of the act giving rise to the cause of action

39 **to the date of entering the judgment,** {+} and to include it in that judgment.

40 ~~{(3) Interest claimed on any special damage shall be computed from the date~~
the damage

41 was actually incurred.

42 ~~—(4) Interest under Subsections (1) and (2) shall be simple and not~~
compounded.

43 {+} (3) {+} ~~{(5)}~~ As used in this section, "special damages actually
incurred" does not include

44 damages for future medical expenses, loss of future wages, or loss of future earning
capacity.

The motion to amend passed unanimously, with Rep. Biskupski absent for the vote.

Spoke for the bill: Steve Sullivan, Utah Association for Justice
Chris Purcell, State Farm Insurance

MOTION: Rep. King moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Dunnigan moved to place H.B. 192 on the Consent Calendar. The motion passed unanimously.

Rep. Dunnigan resumed the chair.

H.B. 353 Truth in Advertising Act Amendments (*Rep. M. Morley*)

Rep. Morley presented the bill to the committee.

Spoke for the bill: Rose Marie Murray, United Families of Utah
 Alan Osmond, One Heart Foundation
 Gayle Ruzicka, Utah Eagle Forum

Spoke against the bill: Dick Cornell, Utah Association of Theater Owners (handout)
 Dave Davis, Utah Retail Merchants Association
 Scott Sabey, Motion Picture Association of America

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

SUBSTITUTE

MOTION: Rep. Biskupski moved to adjourn the meeting. The motion failed, with Rep. Biskupski, Rep. Duckworth, Rep. Hansen, and Rep. King voting in favor. Rep. Froerer was absent for the vote.

The original motion to pass the bill out favorably passed, with Rep. Biskupski, Rep. Duckworth, and Rep. Hansen voting in opposition. Rep. Froerer was absent for the vote.

H.B. 135 Lien Revisions (*Rep. B. King*)

This bill was not heard.

MOTION: Rep. Painter moved to adjourn the meeting. The motion passed unanimously, with Rep. Froerer absent for the vote.

Rep. Dunnigan adjourned the meeting at 7:50 p.m.