

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

Room 450, State Capitol, Utah State Capitol Complex
February 17, 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: Allison Nicholson, Policy Analyst
Linda Error, Committee Secretary

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

Rep. Painter called the meeting to order at 2:05 p.m.

MOTION: Rep. Webb moved to approve the minutes of the February 13, 2009 meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Garn, Rep. Hansen, Rep. King, Rep. Morley, and Rep. Wallis absent for the vote.

H.B. 170 Insurance and Life Settlement Amendments (*Rep. J. Dunnigan*)

Rep. Dunnigan presented the bill to the committee.

Assisting Rep. Dunnigan: Betsy Jerome, Utah Insurance Department
Ted Lewis, Beneficial Life Insurance
Todd Thacker, Prudential Financial (handout)

Spoke to the bill: Douglas Foxley, Life Settlement Institution
Stephanie Pappas, Equality Utah

Spoke for the bill: Paul Rogers, Coventry First

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

Rep. Painter relinquished the chair to Rep. Dunnigan

H.B. 145 Workplace Drug Testing Programs (Rep. T. Beck)

Rep. Beck presented the bill to the committee with the assistance of Dr. Mark Anderson, physician.

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

1. Page 2, Lines 45 through 47:

- 45 (3) "Confirmed positive drug test" means that a confirmation drug test confirms that
46 the sample originally tested contains a drug, alcohol, or their metabolites in an amount
 equal to **or**
47 greater than the concentration permitted under an employer's drug testing program.

The motion to amend passed unanimously, with Rep. Morley and Rep. Webb absent for the vote.

Spoke for the bill: Dr. Paul Teynor, Intermountain Medical Review Officer Services
Paul Rogers, Workers Compensation Fund of Utah
Mary Lou Emerson, Utah Substance Abuse and Anti-Violence Council

Spoke to the bill: Tom Bingham, Utah Manufactures Association

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

1st. Sub. H.B. 267 Antidiscrimination Amendments (Rep. C. Johnson)

Rep. Johnson presented the bill to the committee. (handout)

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

1. Page 19, Line 575:

- 575 (b) (i) [State] A **state** government officer [~~and~~] or employee [~~members who do~~]
 member

2. Page 20, Lines 606 through 609:

606 (a) (i) An employer may not refuse to hire, promote, discharge, demote, or terminate
607 any person, or to retaliate against, harass, or discriminate in ~~{+} matters {+}~~
~~{a matter}~~ of compensation
608 or in ~~[terms, privileges, and conditions]~~ a term, privilege, or condition of employment
against
609 ~~[any]~~ a person otherwise qualified, because of:

The motion to amend passed unanimously.

Spoke to the bill: Heather Morrison, Utah Labor Commission

Spoke for the bill: Kass Harstead, attorney
Sue Rice, small business owner
Sean Dennis, minister, Cottonwood Heights
Brian Horn, citizen
Shanna Lelli, inContact, Inc.

Spoke against the bill: LaVar Christensen, Citizens for Principled Government
Bill Duncan, citizen
Paul Mero, Sutherland Institute
Gayle Rizucka, Eagle Forum
Sandra Rodrigues, America Forever

MOTION: Rep. Hansen moved to pass the bill out favorably. The motion failed, with Rep. Biskupski, Rep. Duckworth, Rep. King, Rep. Hansen, and Rep. Wallis voting in favor. Rep. Clark was absent for the vote.

H.B. 206 Employment Selection Procedures (Rep. W. Harper)

Rep. Harper presented the bill to the committee.

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

1. Page 3, Lines 70 through 77:

70 (b) (i) if applicable to any applicant applying for the position for which the applicant
is
71 applying, the time in the employer's employment selection process when the employer
obtains

- 72 a:
73 (A) criminal background check; ~~{or}~~
74 (B) credit history of an applicant for employment, subject to the requirements of the
75 Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq.; or
(C) a driving record of a driver from the Driver License Division in accordance with
Section 53-3-104 or Section 53-3-420; and
76 (ii) the applicant consents to the employer taking the action described in Subsection
77 (1)(b)(i).

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

Spoke to the bill: David Davis, Utah Retail Merchants Association

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

S.B. 115 Payment of Mobile Home Park Relocation Expenses (*Sen. W. Niederhauser*)

Sen. Niederhauser presented the bill to the committee.

Spoke for the bill: Steve Anderson, Utah Manufactured Homeowners Association
Mayor Russell Wall, Taylorsville, Utah
Melinda Gurr, Community Action Program
Brian Rex Harris, mobile home owner

Spoke against the bill: Royce Van Tassell, Utah Taxpayers Association

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

S.B. 95 Mobile Home Park Amendments (*Sen. S. Jenkins*)

Sen. Jenkins presented the bill to the committee.

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

MOTION: Rep. Painter moved to place S.B. 95 on the Consent Calendar. The motion

passed unanimously, with Rep. Clark, Rep. Froerer, Rep. Garn, Rep. Gibson, and Rep. Kiser absent for the vote.

H.B. 134 Recall of Unsafe or Defective Products (*Rep. C. Watkins*)

Rep. Watkins presented the bill to the committee.

Spoke against the bill: Jim Olson, Utah Retail Merchants Association

MOTION: Rep. King moved to pass the bill out favorably. The motion failed, with Rep. Biskupski, Rep. Duckworth, Rep. Hansen, and Rep. King voting in favor. Rep. Clark, Rep. Froerer, Rep. Garn, Rep. Gibson, Rep. Morley, and Rep. Wallis were absent for the vote.

H.B. 313 Social Host Liability Act (*Rep. E. Hutchings*)

This bill was not heard.

MOTION: Rep. Duckworth moved to adjourn the meeting. The motion passed unanimously, with Rep. Clark, Rep. Froerer, Rep. Garn, Rep. Gibson, Rep. Morley, and Rep. Wallis absent for the vote.

Rep. Dunnigan adjourned the meeting at 5:10 p.m.