

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

Room 450, State Capitol, Utah State Capitol Complex

February 26, 2010

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

Members Absent: Rep. Kevin Garn
Rep. Francis Gibson

Staff Present: Bryant Howe, Assistant Director
Rosemary Young, Committee Secretary

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

Rep. Painter called the meeting to order at 4:23 p.m.

MOTION: Rep. Dunnigan moved to approve the minutes of the Feb. 24, 2010 meeting. The motion passed unanimously with Rep. Biskupski and Rep. Clark absent for the vote.

1st Sub. H.B. 243 Foreclosure Processes on Residential Rental Properties (*Rep. W. Harper*)

MOTION: Rep. Kiser moved to replace 1st Sub. H.B. 243 with 2nd Sub. H.B. 243. The motion passed unanimously with Rep. Biskupski and Rep. Clark absent for the vote.

Rep. Harper explained the bill to the committee. Howard Headlee, Utah Bankers Association, spoke in favor of the bill.

MOTION: Rep. Hansen moved to transmit 2nd Sub. H.B. 243 with a favorable recommendation. The motion passed with Rep. Webb voting in opposition and Rep. Biskupski and Rep. Clark absent for the vote.

H.B. 280 Real Property - Notice of Transfer Fees (*Rep. R. Lockhart*)

MOTION: Rep. Duckworth moved to replace H.B. 280 with 1st Substitute H.B. 280. The motion passed unanimously.

Rep. Lockhart introduced the bill and explained it to the committee. Michael Miller, Community Association Institute Utah Legislative Action Committee, spoke to the bill. The following individuals spoke in favor of the bill:

Ty McCutcheon	Kennecott Land
Chris Gamvroulas	Ivory Homes
James Seaman	Utah Land Titles Association
Howard Headlee	Utah Bankers Association
Mike Ostermiller	Utah Association of Realtors

MOTION: Rep. Biskupski moved to transmit 1st Sub. H.B. 280 with a favorable recommendation. The motion passed with Rep. Morley voting in opposition.

H.B. 272 Construction Trades Licensing Act Amendments (*Rep. B. King*)

MOTION: Rep. King moved to replace H.B. 272 with 1st Substitute H.B. 272. The motion passed unanimously.

Rep. King introduced the bill and explained it to the committee. The following spoke to the bill:

Stevan Baxter	Attorney
Rich Thorn	Association of General Contractors
Terry Wright	Jacobson Construction
Kenny Shulse	ABC Utah

Spoke for the bill:

DeAnna Leahy	Sunroc Corp.
Eric Goodrich	Attorney

Spoke against the bill:

Taz Biesinger	Utah Homebuilders Association
John Paulsen	Paulsen Construction

MOTION: Rep. Morley moved to hold 1st Sub. H.B. 272 for interim study.

SUBSTITUTE MOTION: Rep. Duckworth moved to transmit 1st Sub. H.B. 272 with a favorable recommendation. The motion failed with Rep. Duckworth and Rep. King voting in favor and Rep. Hansen absent for the vote.

The motion to hold 1st Sub. H.B. 272 for interim study passed unanimously with Rep. Hansen absent for the vote.

1st Sub. H.B. 252 Workplace Accommodation of Breast Feeding (*Rep. C. Johnson*)

MOTION: Rep. Duckworth moved to amend 1st Sub H.B. 252 as follows:

1. *Page 1, Lines 1 through 2:*

1 WORKPLACE ACCOMMODATION OF {~~BREAST~~
2 ~~FEEDING~~} BREASTFEEDING

2. *Page 1, Line 11:*

11 related to an employer accommodating an employee who chooses to {~~breast~~
~~feed~~} breastfeed .

3. *Page 2, Lines 32 through 35:*

32 CHAPTER 47. WORKPLACE ACCOMMODATIONS FOR {~~BREAST~~
~~FEEDING~~} A BREASTFEEDING ACT
33 Part 1. General Provisions
34 34-47-101. Title.
35 This chapter is known as the "Workplace Accommodations for {~~Breast~~
~~Feeding~~} a Breastfeeding Parent Act."

4. *Page 2, Lines 42 through 44:*

42 (2) "Employer" means a person employing {~~15~~} 50 or more employees
within the state for
43 each working day in each of 20 calendar weeks or more in the current or preceding
calendar
44 year.

5. *Page 2, Lines 49 through 54:*

49 (5) "Undue hardship" means an accommodation that :

(a) has a significant detrimental impact on the ability of another employee to perform that employee's work duties; or

(b) requires significant difficulty or

50 expense when considered in relation to factors such as:

51 ~~{(a)}~~ **(i)** size of the employer;

52 ~~{(b)}~~ **(ii)** the financial resources of the employer;

53 ~~{(c)}~~ **(iii)** the nature and structure of the employer's operations; and

54 ~~{(d)}~~ **(iv)** special circumstances of public safety.

6. *Page 3, Lines 58 through 59:*

58 (1) Subject to the other requirements of this chapter, if an employee is ~~{breast~~
~~feeding}~~ **breastfeeding**

59 the employee's child, an employer shall:

7. *Page 3, Lines 62 through 67:*

62 (b) make reasonable efforts to provide a location in close proximity to the employee's
63 work area ~~{, other than a toilet stall,}~~ where the employee can express breast milk in
privacy for

64 benefit of the employee's child.

65 (2) **(a)** An employer may comply with Subsection (1)(a) by:

66 ~~{(a)}~~ **(i)** providing an employee reasonable unpaid break time; or

67 ~~{(b)}~~ **(ii)** permitting an employee to use paid break time, meal time, or both.

(b) An employer is considered to have made reasonable efforts for purposes of Subsection (1)(b):

(i) without providing a separate location from the employee's normal work area, if the employee's normal work area provides sufficient privacy so that the employee may express breast milk without being observed while expressing breast milk; or

(ii) by providing a separate location from the employee's normal work area, if the separate location:

(A) is within:

(I) the same physical structure as is located the employee's normal work area; or

(II) a physical structure in which the employer conducts business that is adjacent to where the employee's normal work area is located;

(B) is in sufficient proximity to the employee's normal work area so that the employee can directly leave the employee's normal work area, express breast milk, and directly return to the employee's normal work area during the period of time described in

Subsection (1)(a):
(C) is sanitary, and not a toilet stall; and
(D) provides sufficient privacy so that the employee can express breast milk without being observed while expressing breast milk.

8. Page 3, Lines 72 through 74:

- 72 (1) An employer shall post a notice that the employer is required to accommodate in
73 accordance with this chapter an employee who chooses to {~~breast~~
~~feed~~} breastfeed the employee's child.
74 (2) An employer shall post the notice required under this section conspicuously at or

The motion passed unanimously with Rep. Biskupski, Rep. Hansen, and Rep. King absent for the vote.

Rep. Johnson introduced the bill and explained it to the committee using a handout and a power point presentation. The following individuals spoke in favor of the bill:

Alan Dayton	Intermountain Health Care
Kelly Garrett	La Leche League
Sarah Crookston	University of Utah
Monica Whalen	Employers Council of Utah
Elizabeth Smith	Utah Breastfeeding Coalition

MOTION: Rep. Biskupski moved to transmit 1st Sub. H.B. 252 as amended. The motion failed with Rep. Biskupski, Rep. Clark, Rep. Froerer, and Rep. King voting in favor and Rep. Hansen absent for the vote.

S.B. 148 Guaranteed Asset Protection Waivers (*Sen. J. Stevenson*) (Rep. R. Lockhart)

Rep. Kiser, assisted by Craig Bickmore, Utah Automobile Dealers Association, introduced the bill and explained it to the committee.

MOTION: Rep. Dunnigan moved to transmit S.B. 148 with a favorable recommendation. The motion passed unanimously with Rep. Biskupski, Rep. Duckworth, Rep. Hansen, and Rep. Morley absent for the vote.

S.B. 173 Business Entity Amendments (*Sen. L. Hillyard*) (Rep. F. Hunsaker)

Sen. Hillyard, assisted by Kathy Berg, Department of Commerce, introduced the bill and explained it to the committee.

MOTION: Rep. Clark moved to transmit S.B. 173 with a favorable recommendation. The

motion passed unanimously with Rep. Biskupski, Rep. Duckworth, Rep. Hansen, and Rep. Morley absent for the vote.

MOTION: Rep. Webb moved to place S.B. 173 on the Consent Calendar. The motion passed unanimously with Rep. Biskupski, Rep. Duckworth, Rep. Hansen, and Rep. Morley absent for the vote.

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

Rep. Painter adjourned the meeting at 6:47 p.m.

Rep. James Dunnigan, Chair