

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 450, State Capitol
February 1, 2013**

Members Present: Rep. Jim Dunnigan, Chair
Rep. Dixon Pitcher, Vice Chair
Rep. Jake Anderegg
Rep. Johnny Anderson
Rep. Jim Bird
Rep. Derek Brown
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Dana Layton
Rep. Jeremy Peterson
Rep. Marc Roberts
Rep. Jon Stanard
Rep. Mark Wheatley
Rep. Larry Wiley
Rep. Brad Wilson

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

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

Vice Chair Pitcher called the meeting to order at 2:04 p.m.

MOTION: Rep. Brown moved to approve the minutes of the January 29, 2013 meeting. The motion passed unanimously with Rep. Anderson, Rep. Froerer, Rep. Layton, and Rep. Wiley absent for the vote.

H.B. 281 Health Discount Program Revisions (Rep. J. Dunnigan)

MOTION: Rep. Dunnigan moved to amend H.B. 281 as follows:

1. Page 2, Lines 56 through 58:

56 (b) "Health discount program" does not include a program that does not charge a
57 membership fee or require other consideration **from the member** to use the program's
discounts for health
58 services.

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

62 (5) "Health discount program operator" means a person that
 ~~{operates}~~ provides a health discount
63 program ~~{~~
64 ~~—[(4)](6) "Operates a health discount program" [or "health discount program~~
 ~~operator"]~~
65 ~~means to[.] provide a health discount program by entering into a contract or~~
 ~~agreement, either~~
66 ~~directly or indirectly, with a person in the state that agrees to provide discounts to~~
 ~~enrollees of~~
67 ~~the health discount program }~~ by entering into a contract or agreement, directly
 or indirectly, with a person or persons in this state who agree to provide discounts for
 health care services to enrollees of the health discount program .

The motion passed unanimously with Rep. Anderson, Rep. Froerer, Rep. Layton, and Rep. Wiley absent for the vote.

Rep. Dunnigan explained the bill to the committee assisted by Suzette Green-Wright, Director Market Conduct Division, Utah Insurance Department.

MOTION: Rep. Duckworth moved to transmit H.B. 281 with a favorable recommendation. The motion passed unanimously with Rep. Anderson absent for the vote.

MOTION: Rep. Bird moved to place H.B. 281 on the Consent Calendar. The motion passed unanimously with Rep. Anderson absent for the vote.

H.B. 289 Fireworks Amendments (Rep. J. Dunnigan)

MOTION: Rep. Dunnigan moved to amend H.B. 289 as follows:

1. *Page 3, Lines 71 through 79:*

71 (b) IFC, Chapter 3, Section 310.8, Hazardous Environmental Conditions, is deleted
 and
72 rewritten as follows: "When the fire code official determines that hazardous environmental
73 conditions necessitate controlled use of any ignition source, including fireworks, lighters,
74 matches, and smoking materials, the ~~[ignition or use of the source in mountainous,~~
75 ~~brush-covered, or forest-covered areas is prohibited]~~ legislative body of a municipality
 within

76 which the hazardous environmental conditions exist may prohibit only the ignition or use
of the
77 ignition source in mountainous, brush-covered, or forest-covered areas or the
wildland urban interface area, which means the line, area, or zone where structures
or other human development meet or
78 intermingle with undeveloped wildland or ~~{vegetative fuel, except in approved areas~~
~~as allowed~~
79 ~~by the AHJ."}~~ land being used for an agricultural purpose."

2. *Page 4, Lines 96 through 100:*

96 (c) two days before and on the Chinese New Year's eve.
97 [~~(2)~~ A person may discharge]
98 (3) Except as provided in Subsection ~~{15A-5-202(3)(b)}~~ (5), a county or
municipality may
99 not prohibit any person from discharging class C common state approved explosives in the
100 state as follows:

3. *Page 4, Lines 112 through 113:*

112 [~~(3)~~] (4) A person who violates the time restrictions stated in Subsection [~~(2)~~] (3)(a),
113 (b), or (c) is guilty of an infraction. =
(5) A county or municipality may prohibit any person from discharging class C
common state approved explosives:
(a) as provided in Subsection 15A-5-202(3)(b); or
(b) in accordance with a municipal ordinance prohibiting the negligent
discharge of class C common state approved explosives.

The motion passed unanimously with Rep. Anderson absent for the vote.

Rep. Dunnigan explained the bill to the committee assisted by Lincoln Shurtz, Utah League of Cities and Towns, and Coy Porter, Utah State Fire Marshall.

The following individuals spoke in favor of the bill:

Lincoln Shurtz	Utah League of Cities and Towns
Richard McMullin	TNT Fireworks
John Hiskey	Sandy City Deputy Mayor
Scott Adams	Park City Fire Marshall
John Buckley	President, Fire Marshalls Association of Utah

MOTION: Rep. Anderegg moved to transmit H.B. 289 with a favorable recommendation. The motion passed unanimously with Rep. Anderson absent for the vote.

H.B. 259 Insurance Amendments (Rep. J. Bird)

MOTION: Rep. Bird moved to amend H.B. 259 as follows:

1. Page 2, Lines 28 through 35:

- 28 (2) For an errors and omissions policy issued on or after May 14, 2013 {~~1~~} ∴
29 (a) the
30 policyholder may cancel the errors and omissions insurance policy before its expiration or
31 renewal date **according to the procedure for cancellation set forth in the errors and**
32 **omissions policy; and**
33 **(b) an insurer may not issue an errors and omissions policy that has fully earned**
34 **premium upon issuance of the errors and omissions policy** ∴
35 (3) If the errors and omissions insurance policy is cancelled as provided in
Subsection
36 (2), the insurer shall refund the unearned premium to the policyholder minus any charge
37 imposed by the insurer.
38 {~~(4) The insurer shall pay the amount due under Subsection (3) by no later than~~
39 ~~30 days~~
40 ~~from the day on which the errors and omissions insurance policy is cancelled.~~}

The motion passed unanimously with Rep. Anderson absent for the vote.

Rep. Bird explained the bill to the committee assisted by Suzette Green-Wright, Utah Insurance Department.

MOTION: Rep. Froerer moved to transmit H.B. 259 with a favorable recommendation. The motion passed with Rep. Roberts voting in opposition.

H.B. 290 Division of Real Estate Amendments (Rep. G. Froerer)

MOTION: Rep. Froerer moved to replace H.B. 290 with 1st Substitute H.B. 290. The motion passed unanimously with Rep. Bird absent for the vote.

MOTION: Rep. Froerer moved to amend 1st Substitute H.B. 290 as follows:

1. Page 12, Lines 339 through 343:

- 339 (2) A license under this chapter is not required for:
340 (a) ~~{+}~~ an ~~{+}~~ isolated ~~{+}~~ transaction ~~{+}~~ ~~{-transactions-}~~
or ~~{-services-}~~ service by an individual holding a duly
341 executed power of attorney from ~~[am]~~ a property owner;
342 (b) services rendered by an attorney admitted to practice law in this state in
performing
343 the attorney's duties as an attorney;

The motion passed unanimously.

Rep. Froerer distributed a handout and with the assistance of Jonny Stewart, Director, Division of Real Estate, explained the bill to the committee.

MOTION: Rep. Anderegg moved to transmit 1st Substitute H.B. 290 with a favorable recommendation. The motion passed unanimously.

H.B. 71 Mobile and Manufactured Home Amendments (*Rep. M. Roberts*)

Rep. Roberts presented the bill to the committee assisted by James Seaman, Utah Land Title Association.

MOTION: Rep. Brown moved to transmit H.B. 71 with a favorable recommendation. The motion passed unanimously with Rep. Anderegg absent for the vote.

MOTION: Rep. Layton moved to adjourn. The motion passed unanimously with Rep. Anderegg absent for the vote.

Vice Chair Pitcher adjourned the meeting at 3:10 p.m.

Rep. James Dunnigan, Chair