

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

**Members Present:** Rep. Jim Dunnigan, Chair  
Rep. Jake Anderegg  
Rep. Johnny Anderson  
Rep. Jim Bird  
Rep. Derek Brown  
Rep. Spencer Cox  
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

**Members Absent:** Rep. Dixon Pitcher, Vice Chair

**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.

Chair Dunnigan called the meeting to order at 4:23 p.m.

**MOTION:** Rep. Anderegg moved to approve the minutes of the February 27, 2013 meeting. The motion passed unanimously with Rep. Anderson, Rep. Brown, Rep. Duckworth, and Rep. Wilson absent for the vote.

**S.B. 168 Certified Public Accountant Licensing Amendments (*Sen. C. Bramble*)**

Sen. Bramble presented the bill to the committee.

**MOTION:** Rep. Wiley moved to transmit S.B. 168 with a favorable recommendation. The motion passed unanimously with Rep. Brown, Rep. Duckworth, and Rep. Wilson absent for the vote.

**MOTION:** Rep. Anderegg moved to place S.B. 168 on the Consent Calendar. The motion passed unanimously with Rep. Brown, Rep., Duckworth, and Rep. Wilson absent for the vote.

**S.B. 21            Unincorporated Business Entities (*Sen. L. Hillyard*) (**Rep. V. L. Snow**)**

Rep. Snow explained the bill to the committee assisted by Russell K. Smith of Durham, Jones & Pinegar Law Firm.

**MOTION:**    Rep. Wilson moved to proceed to the next item on the agenda. The motion passed unanimously with Rep. Brown and Rep. Froerer absent for the vote.

**S.B. 173           Residential Construction Contract Amendments (*Sen. J. S. Adams*)**

Sen. Adams presented the bill to the committee.

**MOTION:**    Rep. Froerer moved to transmit S.B. 173 with a favorable recommendation. The motion passed with Rep. Roberts voting in opposition and Rep. Brown and Rep. Cox absent for the vote.

Chair Dunnigan relinquished the chair to Rep. Wiley.

**1st Sub. S.B. 44           Construction Trades Licensing Revisions (*Sen. K. Mayne*)**

**MOTION:**    Rep. Dunnigan moved to replace 1st Sub. S.B. 44 with 2nd Sub. S.B. 44. The motion passed unanimously with Rep. Froerer absent for the vote.

Sen. Mayne, assisted by David Spatafore who represented the Utah Construction Coalition, explained the bill to the committee and distributed handouts. Richard Thorn of Associated General Contractors spoke in favor of the bill.

**MOTION:**    Rep. Brown moved to transmit 2nd Substitute S.B. 44 with a favorable recommendation. The motion passed unanimously with Rep. Froerer and Rep. Peterson absent for the vote.

**MOTION:**    Rep. Anderegg moved to place 2nd Substitute S.B. 44 on the Consent Calendar. The motion passed unanimously with Rep. Froerer, Rep. Stanard, and Rep. Wheatley absent for the vote.

Chair Dunnigan resumed the chair.

**H.B. 115           Towing Amendments (*Rep. K. Stratton*)**

**MOTION:**    Rep. Bird moved to replace H.B. 115 with 2nd Substitute H.B. 115. The motion passed unanimously with Rep. Anderegg, Rep. Froerer, Rep. Layton, and Rep. Peterson absent for the vote.

Rep. Stratton distributed a handout and explained the bill to the committee.

The following individuals spoke in favor of the bill:

Lincoln Shurtz	Utah League of Cities and Towns
Gary Williams	Ogden City Attorney
Michael C. Roan	citizen
John Curtis	Provo City Mayor

The following individuals spoke in opposition to the bill:

Leo Lines	citizen
Neil Schultz	Ogden Weber Towing Association
Matthew Koyle	Attorney for Ogden Weber Towing Association
Steve Gary	AMS Towing
Sarah Russell	Utah Professional Towing Association
Daren Hakel	Snowy Mountain Towing

**MOTION:** Rep. Bird called the question. The motion passed unanimously with Rep. Froerer and Rep. Stanard absent for the vote.

**MOTION:** Rep. Peterson moved to transmit 2nd Substitute H.B. 115 with a favorable recommendation.

**SUBSTITUTE MOTION:** Rep. Wiley moved to refer the bill to Rules for interim study. The motion failed with Rep. Anderson, Rep. Wheatley, and Rep. Wiley voting in favor, and Rep. Froerer and Rep. Stanard absent for the vote.

**MOTION:** Rep. Wilson called previous question. The motion passed with Rep. Anderson and Rep. Duckworth voting in opposition and Rep. Froerer and Rep. Stanard absent for the vote.

The original motion to transmit 2nd Sub. H.B. 115 with a favorable recommendation passed with Rep. Anderson, Rep. Duckworth, Rep. Wheatley, and Rep. Wiley voting in opposition and Rep. Froerer and Rep. Stanard absent for the vote.

**2nd Sub. H.B. 75      Occupational and Professional Licensing Amendments (*Rep. B. Greene*)**

**MOTION:** Rep. Roberts moved to amend H.B.75 as follows:

1. *Page 2, Lines 38 through 42:*

- 38           ▶ requires that legislation proposing the licensing or regulation of an occupation or  
39 profession under Title 58, Occupations and Professions:
- 40           • may not be enacted by the Legislature ~~{-until}~~ unless the proposal  
                  has been reviewed by
- 41 the committee or the proposed legislation contains a provision that expressly exempts  
the legislation from requiring review by the committee ; and
- 42           • shall include a repeal date in Section 63I-1-258 that is no later than 10 years

2. *Page 7, Lines 191 through 201:*

- 191           (iii) a record of the vote for each action taken by the committee.
- 192           ~~{(3)} (4) The committee may[: (a) conduct a sunrise review of any proposal~~  
~~to newly~~  
193 ~~regulate an occupation or profession; (b) conduct any other review referred to it by~~  
~~the~~  
194 ~~Legislature, the Legislative Management Committee, or other legislative committee;~~  
~~or (c)}~~  
195 ~~conduct any other review or study related to regulation of an occupation or~~  
~~profession under~~  
196 ~~Title 58, Occupations and Professions[-], including:~~  
197 ~~— (a) using the criteria described for a sunrise or sunset review described in~~  
~~Section~~  
198 ~~36-23-107, the review of an occupation or profession that is not scheduled for future~~  
199 ~~termination under Section 63I-1-258; and~~  
200 ~~— (b) a study or review of administrative rules related to an occupation or~~  
~~profession.-}~~
- 201           Section 7. Section **36-23-107** is amended to read:

3. *Page 10, Lines 276 through 283:*

- 276           Legislation proposing the licensing or regulation of an occupation or profession under  
277 Title 58, Occupations and Professions, that is not currently subject to licensing or  
regulation  
278 under Title 58, Occupations and Professions:
- 279           (1) may not be enacted by the Legislature unless :  
(a) a proposal to license or regulate the

- 280 occupation or profession has been reviewed by the Occupational and Professional  
Licensure
- 281 Review Committee as described in Title 36, Chapter 23, Occupational and Professional
- 282 Licensure Review Committee Act; or  
(b) the proposed legislation contains a provision that expressly exempts the legislation  
from the review requirement of Subsection 1(a);
- 283 (2) is subject to a reauthorization schedule as described in Title 63I, Chapter 1,

The motion passed unanimously with Rep. Froerer and Rep. Stanard absent for the vote.

Rep. Greene distributed a handout and explained the bill to the committee.

**MOTION:** Rep. Brown moved to transmit 2nd Substitute H.B. 75 with a favorable recommendation. The motion passed with Rep. Anderson and Rep. Duckworth voting in opposition and Rep. Froerer and Rep. Stanard absent for the vote.

**MOTION:** Rep. Anderegg moved to adjourn. The motion passed unanimously with Rep. Froerer and Rep. Stanard absent for the vote.

Chair Dunnigan adjourned the meeting at 6:56 p.m.

---

Rep. James Dunnigan, Chair