

**MINUTES OF THE HOUSE BUSINESS AND LABOR  
STANDING COMMITTEE  
Room 445, State Capitol  
March 6, 2014**

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

**Members Absent:** 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.

Chair Dunnigan called the meeting to order at 4:24 p.m.

**MOTION:** Rep. Pitcher moved to approve the minutes of the March 3, 2014 meeting. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Froerer, Rep. McKell, and Rep. Roberts absent for the vote.

**S.B. 87 Contractor Employee Amendments (Sen. K. Mayne)**

Sen. Mayne distributed a handout titled "Senate Bill 87" and explained the bill to the committee.

**MOTION:** Rep. Stanard moved to amend the bill as follows:

1. *Page 3, Lines 79 through 86  
Senate 2nd Reading Amendments  
2-27-2014:*

79            (a) on the day on which the employer pays an employee, give the employee a written  
or

- 80 electronic pay statement that states:  
81 (i) the employee's name;  
82 (ii) the employee's \$→ base ←\$ rate of pay;  
83 (iii) the dates of the pay period for which the individual is being paid;  
84 (iv) if paid hourly, the number of hours the employee worked during the pay  
period;  
85 (v) the amount of and reason for any money withheld in accordance with state or  
86 federal law, including;

2. *Page 9, Lines 264 through 267:*

- 264 (3) hiring or {otherwise compensating} employing a person who is not  
licensed under this chapter to  
265 perform work on a project, unless the person:  
266 (a) is an employee of a person licensed under this chapter for wages; and  
267 (b) is not required to be licensed under this chapter;

3. *Page 16, Lines 483 through 488*  
*Senate 3rd Reading Amendments*  
*2-28-2014:*

- 483 (a) the individual's name;  
484 (b) the individual's \$→ base ←\$ rate of pay;  
485 (c) the dates of the pay period for which the individual is being paid;  
486 (d) if paid hourly, the number of hours the individual worked during the pay  
period;  
487 (e) the amount of and reason for any money withheld in accordance with state or  
488 federal law, including;

The motion passed unanimously with Rep. Anderegg, Rep. Froerer, Rep. Roberts, Rep. Wheatley, and Rep. Wiley absent for the vote.

Spoke for the bill: Steve Barth, Universal Contracting

**MOTION:** Rep. Pitcher moved to pass out favorably S. B. 87. The motion passed unanimously with Rep. Anderegg, Rep. Roberts, and Rep. Wheatley absent for the vote.

**MOTION:** Rep. Anderson moved to place S.B. 87 on the Consent Calendar. The motion passed unanimously with Rep. Anderegg and Rep. Roberts absent for the vote.

**S.B. 92      Metal Theft Amendments (Sen. G. Davis)**

Sen. Davis explained the bill to the committee assisted by Candace Daly, Institute of Scrap Recycling Industries.

**MOTION:** Rep. Peterson moved to pass out favorably S.B. 92. The motion passed unanimously with Rep. Anderegg and Rep. Roberts absent for the vote.

**MOTION:** Rep. Wiley moved to place S.B. 92 on the Consent Calendar. The motion passed unanimously with Rep. Anderegg and Rep. Roberts absent for the vote.

**1st Sub. S.B. 184      Local Government Inspection Amendments (Sen. J. S. Adams)**

**MOTION:** Rep. Bird moved to amend the bill as follows:

1. *Page 2, Line 31:*

31      (2) A fee collected by a town for the inspection of a construction project {~~1~~}  
          shall ensure

2. *Page 2, Line 38:*

38      (2) A fee collected by a city for the inspection of a construction project {~~1~~} shall  
          ensure

3. *Page 2, Lines 47 through 48:*

47      (2) A compliance agency for a political subdivision may not reject a permit ~~1~~ or  
48      otherwise withhold approval of a project whenever approval is required ~~1~~ for failure to  
          comply

4. *Page 3, Line 61:*

61      (2) A fee collected by a county for the inspection of a construction project {~~1~~}  
          shall ensure

The motion passed unanimously with Rep. Anderegg and Rep. Roberts absent for the vote.

Sen. Adams explained the bill to the committee.

Spoke for the bill:    Nicole Cottle, League of Cities and Towns  
                             Adam Trupp, Utah Association of Counties  
                             Gilbert Gonzales, Building Official, Murray City

**MOTION:** Rep. Wiley moved to pass out favorably 1st Sub. S.B. 184. The motion passed unanimously with Rep. Anderegg, Rep. McKell, and Rep. Roberts absent for the vote.

**MOTION:** Rep. Anderson moved to place 1st Sub. S.B. 184 on the Consent Calendar. The motion passed unanimously with Rep. Anderegg, Rep. McKell, and Rep. Roberts absent for the vote.

**S.B. 57 Autism Services Amendments (Sen. B. Shiozawa)**

**MOTION:** Rep. Bird moved to replace S.B. 57 with 1st Substitute S.B. 57. The motion passed unanimously with Rep. Anderegg, Rep. Froerer, Rep. McKell, and Rep. Roberts absent for the vote.

Sen. Shiozawa explained the bill to the committee assisted by Deborah Bilder, child psychiatrist.

Spoke for the bill: Travis Wood, Utah Health Plans  
Andrea Griggs, Utah Autism Coalition  
James Vaughan, Families of Autism and Aspergers Standing Together  
Mark Brinton, Utah Medical Association

Spoke against the bill: Dwight Stringham, citizen

**MOTION:** Rep. Pitcher moved to pass out favorably 1st Sub. S.B. 57. The motion passed unanimously with Rep. Anderegg, Rep. Froerer, Rep. McKell, and Rep. Roberts absent for the vote.

**2nd Sub. S.B. 186 Contractor Licensing and Continuing Education Amendments (Sen. W. Harper)**

Sen. Harper explained the bill to the committee.

**MOTION:** Rep. Layton moved to amend the bill as follows:

*1. Page 1, Lines 12 through 17:*

- 12 This bill:
- 13 ▶ modifies the requirements for licensure as a contractor, including:
- 14 • allowing experience in any construction classification to count towards
- 15 employment experience; and
- 16 • adding a {~~40~~} 15 -hour course of instruction; and
- 17 ▶ makes technical changes.

2. *Page 2, Lines 47 through 49:*

47 (iii) except as otherwise provided by rule by the commission with the concurrence of  
48 the director, complete a {~~40~~} 15 -hour course established by rule by the  
commission with the  
49 concurrence of the director, which course may include:

**SUBSTITUTE MOTION:** Rep. Wiley moved to amend the bill as follows:

1. *Page 1, Lines 12 through 17:*

12 This bill:  
13 ▶ modifies the requirements for licensure as a contractor, including:  
14 • allowing experience in any construction classification to count towards  
15 employment experience; and  
16 • adding a {~~40~~} 20 -hour course of instruction; and  
17 ▶ makes technical changes.

2. *Page 2, Lines 47 through 49:*

47 (iii) except as otherwise provided by rule by the commission with the concurrence of  
48 the director, complete a {~~40~~} 20 -hour course established by rule by the  
commission with the  
49 concurrence of the director, which course may include:

The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Froerer, Rep. McKell, and Rep. Roberts absent for the vote.

**MOTION:** Rep. Wiley moved to pass out favorably 2nd Sub. S.B. 186. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Froerer, Rep. McKell, and Rep. Roberts absent for the vote.

**H.B. 328 Construction and Fire Codes Amendments (*Rep. M. Noel*)**

Rep. Noel explained the bill to the committee assisted by Mark Whitney, Beaver County Commissioner, and Mike McKee, Uintah County Commissioner.

Spoke to the bill: Scott Adams, Park City Fire Department  
Gilbert Gonzales, Building Official, Murray City

**MOTION:** Rep. Wiley moved to return H.B. 328 to Rules Committee for interim study. The

motion passed unanimously with Rep. Froerer, Rep. McKell, and Rep. Roberts absent for the vote.

**H.B. 297 Campaign Finance Amendments (Rep. B. King)**

Rep. King explained the bill to the committee.

**MOTION:** Rep. Duckworth moved to pass out favorably H.B. 297. The motion passed with Rep. Anderegg, Rep. Cox, Rep. McKell, Rep. Roberts, and Rep. Dunnigan voting in opposition.

**H.B. 159 Regulation of Child Care Programs (Rep. G. Hughes)**

**MOTION:** Rep. Anderson moved to amend H.B. 159 as follows:

1. Page 4, Lines 103 through 106:

- 103 comprised of {~~five~~} seven members appointed by the governor and approved by  
the Senate in accordance with this subsection .
- 104 (b) {~~Four~~} The governor shall appoint three members  
{~~shall~~} who :
- 105 (i) have at least five years' experience as an owner in or director of a for  
profit or not-for-profit center based child care
- 106 {~~business~~} ; and

2. Page 4, Line 109:

- 109 (c) {~~One member shall be a member of the general public~~} (i) The  
governor shall appoint one member to represent each of the following:  
(A) a parent with a child in center based child care;  
(B) a child development expert from the state system of higher education;  
(C) a pediatrician licensed in the state; and  
(D) an architect licensed in the state.  
(ii) A member appointed under Subsection (1)(c)(i) may not be an employee of  
the state or a political subdivision of the state .

The motion passed unanimously with Rep. Anderegg, Rep. Duckworth, and Rep. Layton absent for the vote. Rep. Anderson declared a conflict of interest.

Rep. Hughes explained the bill to the committee assisted by Cathy Dupont, Office of Legislative Research and General Counsel. Sheila Walsh-McDonald, Utah Department of Health, was

available to answer questions.

Spoke for the bill: Patrick Marino, Utah Private Child Care Association  
Deborah Tilley, Utah Private Child Care Association

Spoke against the bill: Renee Olesen, Utah Chapter American Academy of Pediatrics  
Diane Wilkinson, Aggie Care provider

**MOTION:** Rep. Roberts moved to pass out favorably H.B. 159. The motion passed with Rep. Bird, Rep. Peterson, Rep. Wheatley, Rep. Wiley, and Rep. Dunnigan voting in opposition and Rep. Duckworth absent for the vote.

**H.B. 179 Family Expenses (*Rep. M. McKell*)**

Rep. McKell explained the bill to the committee assisted by David Gillies, Consulmed, LLC, and Joshua Dunyon, attorney.

Spoke against the bill: Eric K. Johnson, Utah Family Law, L.C.

**MOTION:** Rep. McKell moved to pass out favorably H.B. 179.

**SUBSTITUTE MOTION:** Rep. Anderegg moved to return H.B. 179 to Rules Committee for interim study. The motion passed unanimously with Rep. Anderson and Rep. Duckworth absent for the vote.

**S.B. 189 Residence Lien Restriction Amendments (*Sen. T. Weiler*)**

Sen. Weiler explained the bill to the committee.

**MOTION:** Rep. Roberts moved to pass out favorably S.B. 189. The motion passed unanimously with Rep. Anderson and Rep. Duckworth absent for the vote.

**MOTION:** Rep. Peterson moved to place S.B. 189 on the Consent Calendar. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, and Rep. Duckworth absent for the vote.

**S.B. 15 Reemployment Restrictions Amendments (*Sen. T. Weiler*)**

Sen. Weiler explained the bill to the committee.

**MOTION:** Rep. Stanard moved to pass out favorably S.B. 15. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Duckworth, and Rep. McKell absent for

the vote.

**1st Sub. S.B. 196 Medical Waste Incineration Prohibition (Sen. T. Weiler)**

Sen. Weiler explained the bill to the committee accompanied by Rep. Becky Edwards.

Spoke to the bill: Mark Compton, Utah Mining Association

**MOTION:** Rep. Peterson moved to pass out favorably 1st Sub. S.B. 196. The motion failed with Rep. Cox, Rep. Froerer, Rep. Peterson, Rep. Pitcher and Rep. Dunnigan voting in favor and Rep. Anderegg, Rep. Anderson, and Rep. Duckworth absent for the vote.

**MOTION:** Rep. McKell moved to have the committee reconsider its action. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, and Rep. Duckworth absent for the vote.

**MOTION:** Rep. McKell moved to pass out favorably 1st Sub. S.B. 196. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, and Rep. Duckworth absent for the vote.

**H.B. 172 Association Amendments (Rep. G. Froerer)**

**MOTION:** Rep. Froerer moved to amend the bill as follows:

1. Page 6, Line 159:

159 (c) (i) provide {~~a~~} an electronic copy or a hard copy of either the  
reserve analysis or a summary of the reserve analysis

2. Page 10, Line 279:

279 (6) {~~An~~} Except as provided in Section 57-8-44, an association of unit  
owners may collect an unpaid fine as an unpaid assessment

3. Page 16, Line 477:

477 (6) {~~An~~} Except as provided in Section 57-8a-301, an association may  
collect an unpaid fine as an unpaid assessment in accordance

4. Page 19, Line 574:

574 (c) (i) provide {~~either a~~} an electronic copy or a hard copy of  
either the reserve analysis or a summary of the reserve analysis

The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Duckworth, and

Rep. McKell absent for the vote.

Rep. Froerer explained the bill to the committee assisted by John Morris, Community Association Institute.

**MOTION:** Rep. Stanard moved to amend H.B. 172 as follows:

1. *Page 10, Lines 279 through 284:*

279            ~~{(6) An association of unit owners may collect an unpaid~~  
~~assessment~~  
280            ~~in accordance with the provisions of this chapter. }~~  
281            ~~{(7)}~~     (6)    A management committee may delegate the management  
committee's rights and  
282            responsibilities under this section to a managing agent.  
283            ~~{(8)}~~     (7)    This section applies to an association of unit owners regardless of  
when the  
284            association of unit owners is created.

2. *Page 16, Lines 477 through 481:*

477            ~~{(6) An association may collect an unpaid fine as an unpaid assessment in~~  
~~accordance~~  
478            ~~with the provisions of this chapter. }~~  
479            ~~{(7)}~~     (6)    A board may delegate the board's rights and responsibilities under  
this section to a  
480            managing agent.  
481            ~~{(8)}~~     (7)    This section applies to an association regardless of when the  
association is created.

The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Cox, Rep. Duckworth, Rep. McKell, and Rep. Peterson absent for the vote.

**MOTION:** Rep. Pitcher moved to pass out favorably H.B. 172. The motion failed with Rep. Froerer, Rep. Roberts, and Rep. Pitcher voting in favor and Rep. Anderegg, Rep. Anderson, Rep. Cox, Rep. Duckworth, Rep. McKell, and Rep. Peterson absent for the vote.

**H.B. 12        Consumer Credit Protection Amendments (Rep. P. Ray)**

**MOTION:** Rep. Bird moved to replace H.B. 12 with 3rd Substitute H.B. 12. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Cox, Rep. Duckworth, Rep. McKell, and Rep. Peterson absent for the vote.

Rep. Ray distributed a handout titled "Consumer Credit Protection Amendments" and explained the bill to the committee assisted by Al Bingham, credit score expert, who gave a power point presentation.

**MOTION:** Rep. Bird moved to adjourn. The motion passed unanimously with Rep. Anderegg, Rep. Anderson, Rep. Cox, Rep. Duckworth, Rep. Froerer, Rep. McKell, and Rep. Peterson absent for the vote.

Chair Dunnigan adjourned the meeting at 8:42 p.m.

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Rep. James Dunnigan, Chair