

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 445, State Capitol
March 10, 2015**

Members Present: Rep. Val Peterson, Chair
Rep. John Knotwell, Vice Chair
Rep. Jon Cox
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Brad King
Rep. Dixon Pitcher
Rep. Mike Schultz
Rep. Jon Stanard
Rep. Curt Webb

Members Absent: Rep. Jake Anderegg
Rep. Jim Dunnigan
Rep. Marc Roberts
Rep. Brad Wilson

Staff Present: Ms. Megan Bolin, Policy Analyst
Ms. Rosemary Young, Committee Secretary

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

Vice Chair Knotwell called the meeting to order at 10:03 a.m.

MOTION: Rep. Cox moved to approve the minutes of the March 9, 2015 meeting. The motion passed unanimously with Rep. Duckworth, Rep. Froerer, and Rep. Pitcher absent for the vote.

S.B. 218 Nonprofit Corporation Act Amendments (*Sen. L. Hillyard*)

Rep. Snow explained the bill.

MOTION: Rep. Stanard moved to amend S.B. 218 as follows:

1. Page 1, Lines 17 through 19:

- 17 ▶ modifies provision addressing no property rights;
- 18 ▶ addresses action without meeting {~~and action by written ballot~~} ;
- 19 ▶ modifies provision related to voting entitlement;

2. Page 2, Lines 41 through 43:

- 41 16-6a-707, as last amended by Laws of Utah 2002, Chapter 197
- 42 {~~16-6a-709, as last amended by Laws of Utah 2010, Chapter 378~~}
- 43 16-6a-711, as last amended by Laws of Utah 2007, Chapter 315

3. *Page 18, Line 551 through Page 20, Line 595:*

551 members and may be so described in any document.
552 ~~{Section 9. Section 16-6a-709 is amended to read:~~
553 ~~—16-6a-709. Action by written ballot.~~
554 ~~—(1) Unless otherwise provided by the bylaws, any action that may be taken at~~
555 ~~any~~
556 ~~annual, regular, or special meeting of members may be taken without a meeting if~~
557 ~~the nonprofit~~
558 ~~corporation delivers a written ballot to every member entitled to vote on the matter.~~
559 ~~—(2) A written ballot described in Subsection (1) shall:~~
560 ~~—(a) set forth each proposed action; and~~
561 ~~—(b) provide an opportunity to vote for or against each proposed action.~~
562 ~~—(3) (a) Approval by written ballot pursuant to this section shall be valid only~~
563 ~~when:~~
564 ~~—(i) the time, as determined under Subsection [(8)] (7), by which all ballots must~~
565 ~~be~~
566 ~~received by the nonprofit corporation has passed so that a quorum can be~~
567 ~~determined; and~~
568 ~~—(ii) the number of approvals equals or exceeds the number of votes that would~~
569 ~~be~~
570 ~~required to approve the matter at a meeting at which the total number of votes cast~~
571 ~~was the~~
572 ~~same as the number of votes cast by ballot.~~
573 ~~—(b) Unless otherwise provided in this chapter or in accordance with Section~~
574 ~~16-6a-716,~~
575 ~~for purposes of taking action by written ballot the number of votes cast by written~~
576 ~~ballot~~
577 ~~pursuant to this section constitute a quorum for action on the matter.~~
578 ~~—(4) All solicitations for votes by written ballot shall:~~
579 ~~—(a) indicate the number of responses needed to meet the quorum requirements;~~
580 ~~—(b) state the percentage of approvals necessary to approve each matter other~~
581 ~~than~~
582 ~~election of directors;~~
583 ~~—(c) specify the time by which a ballot must be received by the nonprofit~~
584 ~~corporation in~~
585 ~~order to be counted; and~~
586 ~~—(d) be accompanied by written information sufficient to permit each person~~

casting the
576 ~~ballot to reach an informed decision on the matter.~~
577 ~~—(5) Unless otherwise provided by the bylaws, a written ballot may not be
revoked.~~
578 ~~—(6) Action taken under this section has the same effect as action taken at a
meeting of~~
579 ~~members and may be described as such in any document.~~
580 ~~—(7) Unless otherwise provided by the bylaws, a written ballot delivered to
every~~
581 ~~member entitled to vote on the matter or matters therein, as described in this
section, may also~~
582 ~~be used in connection with any annual, regular, or special meeting of members,
thereby~~
583 ~~allowing members the choice of either voting in person or by written ballot delivered
by a~~
584 ~~member to the nonprofit corporation in lieu of attendance at such meeting. Any
written ballot~~
585 ~~shall comply with the requirements of Subsection (2) and shall be counted equally
with the~~
586 ~~votes of members in attendance at any meeting for every purpose, including
satisfaction of a~~
587 ~~quorum requirement.}~~
588 ~~—(8) (7) (a) Members shall be provided a fair and reasonable amount of time
before the~~
589 ~~day on which the nonprofit corporation must receive ballots.~~
590 ~~—(b) An amount of time is considered to be fair and reasonable if:~~
591 ~~—(i) members are given at least 15 days from the day on which the notice is
mailed, if~~
592 ~~the notice is mailed by first-class or registered mail;~~
593 ~~—(ii) members are given at least 30 days from the day on which the notice is
mailed, if~~
594 ~~the notice is mailed by other than first-class or registered mail; or~~
595 ~~—(iii) considering all the circumstances, the amount of time is otherwise
reasonable. }~~

Renumber Remaining Sections Accordingly

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

MOTION: Rep. Webb moved to pass out favorably S.B. 218. The motion passed unanimously with Rep. Froerer absent for the vote.

S.B. 217 Capital Improvement and Development Project Amendments (*Sen. W. Harper*)

Sen. Harper explained the bill.

MOTION: Rep. Pitcher moved to pass out favorably S.B. 217. The motion passed unanimously with Rep. Froerer absent for the vote.

H.B. 450 Licensing Modifications (*Rep. F. Cox*)

Rep. Cox explained the bill assisted by Victor Shanti representing himself.

MOTION: Rep. Stanard moved to continue to the next item on the agenda.

SUBSTITUTE

MOTION: Rep. King moved to return H.B. 450 to the Rules Committee for interim study. The motion passed unanimously with Rep. Cox and Rep. Froerer absent for the vote.

S.B. 242 Licensing Amendments (*Sen. S. Jenkins*)

Sen. Jenkins explained the bill assisted by Brad Stevens, Independent Electrical Contractors of Utah.

MOTION: Rep. Webb moved to pass out favorably S.B. 242. The motion passed with Rep. Duckworth, Rep. Knotwell, and Rep. Peterson voting in opposition and Rep. Cox absent for the vote.

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

Vice Chair Knotwell adjourned the meeting at 10:53 a.m.