

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

Room 405 State Capitol

February 24, 2003

**Members Present:** Rep. Katherine M. Bryson, Chair  
Rep. Brent D. Parker, Vice Chair  
Rep. J. Stuart Adams  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. David Clark  
Rep. Stephen D. Clark  
Rep. Carl W. Duckworth  
Rep. Jim Dunnigan  
Rep. Ben C. Ferry  
Rep. Neil A Hansen  
Rep. Todd E. Kiser  
Rep. Mike Morley

**Staff Present:** Ms. Mary Catherine Perry, Policy Analyst  
Ms. Linda Error, Committee Secretary

**Visitors:** List of visitors filed with committee minutes

Chair Bryson called the meeting to order at 5:10 p.m.

**MOTION:** Rep. Biskupski moved to approve the minutes of the February 21, 2003 meeting.

**SUBSTITUTE**

**MOTION:** Rep. Adams moved to place **H.B. 271** first on the agenda in the next meeting to be held February 26, 2003. The motion passed unanimously.

**MOTION:** Rep. Biskupski moved to approve the minutes of the February 21, 2003 meeting. The motion passed unanimously.

**2<sup>nd</sup> Sub. H.B. 249    Licensing Mortgage Loan Officers (*B. Parker*)**

**MOTION:** Rep. Parker moved to delete in title and body **1<sup>st</sup> Sub. H.B. 249** and replace it with **2<sup>nd</sup> Sub. H.B. 249**. The motion passed unanimously, with Rep. Biskupski, Rep. Buttars, Rep. D. Clark, Rep. Dunnigan, and Rep. Ferry absent for the vote.

Rep. Parker explained the bill.

Spoke against the bill: Kay Ashton, Utah Mortgage Lenders Association

Spoke for the bill: Paul Ray, mortgage lender

MOTION: Rep. Duckworth moved to pass the bill out favorably. The motion passed unanimously.

Chair Bryson relinquished the chair to Vice Chair Parker

**H.B. 147 Utah Construction Contracts Prompt Payment Act (*D. Hogue*)**

Rep. Hogue explained the bill.

Spoke to the bill: John Young, attorney, Utah Subcontractors Council

Spoke against the bill: Jeff Price, construction attorney  
Tom Bingham, Utah Manufacturers Association  
Taz Biesienger, Utah Home Builder's Association  
Todd Bingham, Associated Building Contractors  
Joey Gilbert, Associated General Contractors

Spoke for the bill: Joel Votaw, owner, Valley View Building Maintenance  
Jamie Votaw, owner, Valley View Building Maintenance  
Nathan Page, Aristocrat Woods

MOTION: Rep. S. Clark moved to send the bill to interim for further study.

**SUBSTITUTE**

MOTION: Rep. Morley moved to table the bill. The motion failed with Rep. Adams and Rep. Morley voting in favor, and Rep. Bryson absent for the vote.

**SUBSTITUTE**

MOTION: Rep. Adams moved to move on to the next item on the agenda. The motion failed with Rep. Adams, Rep. Buttars, Rep. D. Clark, and Rep. Morley voting in favor, and Rep. Bryson absent for the vote

The original motion to send the bill to interim for further study passed, with Rep. Adams, Rep. Buttars, and Rep. Morley voting in opposition, and Rep. Bryson absent for the vote.

**H.B. 216 Use of Credit Related Instruments (D. Hogue)**

Rep. Hogue explained the bill.

MOTION: Rep. Buttars moved to delete in title and body **H.B. 216** and replace it with **1<sup>st</sup> Sub. H.B. 216**. The motion passed unanimously, with Rep. Bryson and Rep. Hansen absent for the vote.

Spoke for the bill: LeRoy Vareau, citizen  
Karen Silver, Salt Lake Community Action Program

Spoke against the bill: Brian Allen, independent insurance agent  
Chris Purcell, State Farm Insurance  
Brian Braddock, Farmers Insurance

MOTION: Rep. Kiser moved to move on to the next item on the agenda. The motion passed unanimously, with Rep. Bryson, and Rep. Hansen absent for the vote.

**H.B. 374 Insurance Producers Amendments (J. Dunnigan)**

Rep. Dunnigan moved to amend the bill as follows:

1. Page 82, Line 2512: After "Part" delete "6" and insert "7"
2. Page 83, Line 2568: After "Subsection" delete "(19)" and insert "(6)"
3. Page 89, Line 2734: Delete "Subsection 63-2-302(1)(a)(vii)" and insert "Title 63, Chapter 2, Government Records Access and Management Act"
4. Page 104, Line 3213: Delete "31A-23a-301" and insert "31A-23a-302"
5. Page 127, Line 3912: After "(4)" delete "(a)"
6. Page 127, Line 3917: Delete "(i)" and insert "(a)"
7. Page 127, Line 3918: Delete "(A)" and insert "(i)"
8. Page 127, Line 3919: Delete "(B)" and insert "(ii)"
9. Page 127, Line 3920: Delete "(ii)" and insert "(b)"

10. Page 127, Lines 3921-3922:Delete lines 3921-3922

The motion to amend passed unanimously, with Rep. Bryson, and Rep. Hansen absent for the vote.

Rep. Dunnigan explained the bill with the assistance of Mickey Braun, Assistant Insurance Commissioner

Spoke for the bill: Kelly Atkinson, Executive Director, Utah Health Insurance Association  
Candice Daily, Utah Health Underwriters Association

MOTION: Rep. Kiser moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Biskupski, Rep. Bryson, and Rep. Hansen absent for the vote.

MOTION: Rep. Adams moved that **H.B. 374** be placed on the consent calendar. The motion failed with Rep. Adams voting in favor, and Rep. Bryson, and Rep. Hansen absent for the vote.

**H.B. 372 Captive Insurers Act (J. Dunnigan)**

Rep. Dunnigan explained the bill.

MOTION: Rep. Ferry moved to pass the bill out favorably. The motion passed unanimously, with Rep. Bryson, and Rep. Hansen absent for the vote.

**1<sup>st</sup> Sub. H.B. 306 Construction Lien Amendments (S. Clark)**

MOTION: Rep. S. Clark moved to delete in title and body **H.B. 306** and replace it with **1<sup>st</sup> Sub. 306**. The motion passed unanimously, with Rep. Bryson, Rep. D. Clark, and Rep. Hansen absent for the vote.

Rep. S. Clark explained the bill with the assistance of Crawford Cragun, President and Ceo, Franklin Templeton Bank and Trust.

Spoke for the bill: Doug Fox, attorney

Spoke against the bill: Tom Christensen, attorney

MOTION: Rep. Ferry moved to pass the bill out favorably. The motion passed unanimously,

with Rep. Bryson, Rep. Dunnigan, and Rep. Hansen absent for the vote.

**1<sup>st</sup> Sub. H.B. 299     Trust Law Amendments (D. Clark)**

MOTION:     Rep. D. Clark moved to delete in title and body **H.B. 299** and replace it with **1<sup>st</sup> Sub. H.B. 299**. The motion passed unanimously, with Rep. Bryson, Rep. S. Clark, Rep. Dunnigan, and Rep. Hansen absent for the vote.

MOTION:     Rep. D. Clark moved to amend the bill as follows:

Page 5, Line 138                     Delete "Subsection(2)(b)" and insert "Subsection (2)(c)"

The motion to amend passed unanimously, with Rep. Bryson, Rep. S. Clark, Rep. Dunnigan, and Rep. Hansen absent for the vote.

Rep. D. Clark explained the bill

MOTION:     Rep. Dunnigan moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Bryson, and Rep. Hansen absent for the vote.

**H.B. 336     Commercial Lessees' Deposits (C. Moss)**

Rep. Moss explained the bill.

MOTION:     Rep. Buttars moved to move on the to next item on the agenda. The motion passed with, Rep. Biskupski, and Rep. Duckworth voting in opposition, and Rep. Bryson, and Rep. Hansen absent for the vote.

**H.B. 362     Amendments to Construction Contracts Regarding Unreasonable Delays (E. Hutchings)**

Rep. Hutchings explained the bill with the assistance of John Young, Utah Subcontractors Council.

Rep. Bryson Resumed the chair.

Spoke to the bill:                     Carlos Braceras, Utah Department of Transportation

Spoke for the bill:                     Robert Burkman, Chairman, Utah Subcontractors Council

Spoke against the bill:                 Todd Bingham, Associated Building Contractors

Taz Biesienger, Utah Home Builders Association  
Tom Bingham, Utah Manufacturers Association

MOTION: Rep. Biskupski moved to pass the bill out favorably.

**SUBSTITUTE**

MOTION: Rep. Morley moved to adjourn the meeting. The motion failed with Rep. Adams, Rep. Buttars, Rep. D. Clark, and Rep. Morley voting in favor, and Rep. Hansen, and Rep. Parker absent for the vote.

The original motion to pass the bill out favorably passed, with Rep. Adams, Rep. Buttars, Rep. D. Clark, Rep. Kiser, and Rep. Morley voting in opposition, and Rep. Hansen and Rep. Parker absent for the vote.

**H.B. 312      Email Marketing (*K. Bryson*)**

The bill was not considered at this meeting.

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

Chair Bryson Adjourned the meeting at 8:00 p.m.

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Rep. Katherine Bryson, Chair