

**MINUTES OF THE
WORKFORCE SERVICES & COMMUNITY & ECONOMIC DEVELOPMENT
STANDING COMMITTEE**

**THURSDAY, FEBRUARY 20, 2003 - 8:00 A.M.
Room 414/416, State Capitol Building**

Members Present: Sen. David Thomas, Committee Chair
Sen. Thomas Hatch
Sen. Lyle Hillyard
Sen. Scott Jenkins
Sen. Paula Julander
Sen. Ed Mayne
Sen. David Steele
Sen. John Valentine

Staff Present: Jami Momberger, Policy Analyst
Bonnie Brinton, Committee Secretary

Public Speakers Present: Tom Jensen, Executive Council Member, AARP
Julie Loppe'-Peyrin, Executive Vice President, Quality
Association, Teleperformance USA
Francine Giani, Director, Division of Consumer Protection,
Commerce Department
Jim Judd, President, Professional Fire Fighters of Utah
Joy Erickson, Senior Advocate Director, American Heart
Association
Paul Rogers, Fidelity Investments and Convergys Corporation
Joyce Sewell, Director, Industrial Accidents, Labor Commission
Ted Boyer, Executive Director, Department of Commerce
Butch Johnson, Chairman, Legislative Affairs Committee, National
Association of Professional Employees Organization
Doug Moody, CEO, Solution Services
Ron MacPherson, President, Solution Services
Brooke Karrington, Private Investigator, Karrington Investigative
Services
Ron Casper, NFIB
Mel Ashton, Private Investigator, Private Investigators Association
of Utah
Col. Claron Brenchley, Department of Public Safety
Kal Farr, Executive Director, Utah Chiefs of Police
Chad Wooley, City Prosecutor, San Pete County

Visitor List on File.

Chair Thomas called the meeting to order at 8:10 a.m.

MOTION: Sen. Jenkins moved to approve the minutes of February 18, 2003.

The motion passed, with Sens. Hillyard, Mayne, Steele, and Valentine absent for the vote.

Sen. Jenkins assumed the Chair.

1. **S.B. 194 Commerce and Trade - Telephone and Facsimile Solicitation Act**
(D. Thomas)

Sen. Thomas presented the bill.

MOTION: Sen. Thomas moved to accept Amendment 3 to S. B. 194 as follows:

1. Page 3, Line 87: After "before" delete "9 a.m. or after 8:30" and insert "8 a.m. or after 9"
2. Page 6, Line 160: At the beginning of line 160, insert "(1)"
3. Page 6, Line 161: After line 161, insert:
"(2) It is an affirmative defense to a violation of this section that the person making the telephone call in violation of this section made the telephone call in reliance on a current database:
(a) established by any federal agency; and
(b) that establishes a national database of telephone numbers of persons who object to receiving telephone solicitations."
4. Page 7, Line 191: After "the division shall" insert ";(a)"
5. Page 7, Line 193: After "section" delete "." and insert ";(b) at least once every three months, forward to the national database all telephone numbers contained in the no-call database maintained under this section."
6. Page 7, Line 210: After line 210, insert:
"Section 9. Section 13-25a-111 is enacted to read:
13-25a-111. Exemptions.
Notwithstanding any other provision of this chapter, the provisions of Sections 13-25a-103 and 13-25a-108 do not apply to a person that holds a license:

(a) under Title 31A, Insurance Code; or
(b) issued by the Division of Real Estate established in Section 61-2-5."

The motion passed, with Sens. Hillyard, Mayne, and Valentine absent for the vote.

Tom Jensen, Executive Council Member, AARP, spoke in support of the bill.

Julie Loppe'-Peyrin, Executive Vice President, Quality Association, Teleperformance USA, spoke to the bill.

Francine Giani, Director, Division of Consumer Protection, Commerce Department, spoke in support of the bill.

Jim Judd, President, Professional Fire Fighters of Utah, spoke to the bill.

Joy Erickson, Senior Advocate Director, American Heart Association, spoke to the bill.

Paul Rogers, Fidelity Investments and Convergys Corporation, spoke to the bill.

MOTION: Sen. Mayne moved to accept the following amendments:

1. Page 2, Line 55: After "services" delete "," and insert ";
2. Page 2, Line 56: Delete line 56
3. Page 3, Line 64: After "purpose" delete "." and insert "; (e) excepting calls made by or on behalf of nonprofit organizations."

The motion failed, with Sens. Julander, Mayne, and Steele voting for the motion.

Sen. Mayne asked that staff prepare this amendment for presentation on the floor of the Senate.

MOTION: Sen. Hatch moved to pass S.B. 194, as amended, out of committee with a favorable recommendation.

The motion passed, with Sen. Julander voting against the motion; and Sens. Hillyard and Valentine absent for the vote.

Sen. Thomas assumed the Chair.

2. **S.B. 155 Professional Employer Organizations** (*E. Mayne*)

Sen. Mayne presented the bill.

Joyce Sewell, Director, Industrial Accidents, Labor Commission; Ted Boyer, Executive Director, Department of Commerce; and Butch Johnson, Chairman, Legislative Affairs Committee, National Association of Professional Employees Organization, spoke in support of the bill.

Doug Moody, CEO, Solution Services, and Ron MacPherson, President, Solution Services, spoke against the bill.

MOTION: Sen. Mayne moved to pass S.B. 155 out of committee with a favorable recommendation.

The motion passed unanimously, with Sens. Hillyard, Jenkins, and Valentine absent for the vote.

3. **H.B. 217 Private Investigator Licensure Amendments** (*M. Dayton*)

Rep. Dayton presented the bill.

MOTION: Sen. Hatch moved to accept the following amendments:

1. Page 2, Line 53: Reinstate “closely”
2. Page 5, Line 143: Reinstate Lines 143 through 145

The motion passed, with Sen. Valentine voting against the motion; and Sens. Hillyard and Jenkins absent for the vote.

Brooke Karrington, Private Investigator, Karrington Investigative Services, spoke in support of the bill.

MOTION: Sen. Valentine moved to request that the committee allow him to change his vote from a no to aye vote on the previous motion to amend the bill.

The motion passed unanimously, with Sen. Jenkins absent for the vote.

Ron Casper, NFIB; Mel Ashton, Private Investigator, Private Investigators Association of Utah; and Col. Claron Brenchley, Department of Public Safety, spoke in support of the

bill. Col. Brenchley stated that Commissioner Flowers is in support of the bill.

Kal Farr, Executive Director, Utah Chiefs of Police, spoke in support of the bill.

Chad Wooley, City Prosecutor, San Pete County, spoke in opposition to the bill. Sen. Hillyard suggested that Mr. Wooley contact Paul Boyden for assistance in this matter.

MOTION: Sen. Valentine moved to accept the following amendments:

1. Page 5, Line 125: After "within" delete "three" and insert "five"
2. Page 6, Line 177: Delete "bureau" and insert "board"
3. Page 7, Line 191: Delete "bureau" and insert "board"
4. Page 7, Line 193: Delete "bureau" and insert "board" in two places
5. Page 8, Line 220: Delete "bureau" and insert "board"
6. Page 8, Line 224: Delete "bureau" and insert "board"
7. Page 8, Line 234: Delete "bureau's" and insert "board's"

The motion passed unanimously, with Sen. Jenkins absent for the vote.

MOTION: Sen. Valentine moved to pass H.B. 217 out of committee, as amended, with a favorable recommendation.

The motion passed unanimously, with Sen. Jenkins absent for the vote.

MOTION: Sen. Steele moved to adjourn.

The motion passed unanimously, with Sen. Jenkins absent for the vote.

Chair Thomas adjourned the meeting at 9:45 a.m.

Minutes were reported by Bonnie Brinton, Secretary.

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