

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
MONDAY, FEBRUARY 16, 2004, 8:00 A.M.
ROOM 403, STATE CAPITOL BUILDING**

Members Present: Sen. Parley G. Hellewell, Chair
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Thomas V. Hatch
Sen. Ed Mayne
Sen. Carlene M. Walker
Sen. Michael Waddoups

Members Excused: Sen. Gene Davis

Staff Present: Mark Steinagel, Policy Analyst
Karen Allred, Committee Secretary

Public Speakers Present: Dr. Wendell Gibby
Dr. Lynn Gaufin, Utah Valley Neurology Clinic
Michael Bahr, CEO, Altius Health Plans
Dr. Randall Gibb, Utah Valley Physicians Network
Jennifer Cannaday, attorney, Utah Health Insurance Association
Dr. Gary L. Jones, neurologist, Snow Canyon Clinic
David Gessell, Pres., Utah Hospital Association
Dr. Mark Mariani, Utah State Orthopedic Society
Rick Martin, Utan Association of Health Underwriters
Dr. Paul Winterton, Utah State Orthopedic Society
John T. Nielson, senior legal counsel, IHC
Dan Tuttle, U.S. Magnesium Assn.
Robert Bergman, Utah Mechanical Contractors Assoc.
Larry Facer, Business Manager, Utah Pipe Trades
Craig Moody, lobbyist, Reagan Outdoor Signs
Ed Rogers, billboard owner
Gary Grane, Layton City Attorney
Ronald Howell, owner, billboard company

A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Bramble assumed the Chair and called the meeting to order at 8:10 a.m.

1. S.B. 33 Mobile Home Park Residency Act (E. Mayne)

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

1. *Page 1, Lines 23 through 24:*

23 This chapter does not prevent a city, county, or municipality from ~~[[establishing~~
24 ~~ordinances regulating a mobile home park]]~~ mediating and enforcing state
statutes governing a mobile home park .

The motion passed unanimously with Sens. Waddoups and Walker absent for the vote.

MOTION: Sen. Hatch moved to pass the bill out favorably.

The motion passed unanimously with Sens. Waddoups and Walker absent for the vote.

2. **S.B. 216 Health Provider Reimbursement Amendments** (*P. Hellewell*)

MOTION: Sen. Hellewell moved to amend the bill as follows:

1. *Page 2, Lines 50 through 51:*

50 ~~(d) Notwithstanding Subsection (2)(b), a health maintenance organization may~~
~~impose~~
51 a deductible on coverage of a medical condition treated by health care providers
not under contract with the health maintenance organization if the deductible is not
greater than the deductible imposed on the same medical condition treated by
health care providers who are under contract with the health maintenance
organization .

Sen. Hellewell explained the bill assisted by Dr. Wendell Gibby.

Speaking in support of the bill were: Dr. Lynn Gaufin, Utah Valley Neurology Clinic; Dr. Randall Gibb, Utah Valley Physicians Network; Dr. Gary L. Jones, neurologist, Snow Canyon Clinic; Dr. Mark Mariani, Utah State Orthopedic Society; Dr. Paul Winterton, Utah State Orthopedic Society; and Dan Tuttle, U.S. Magnesium Association.

Speaking in opposition to the bill were: Michael Bahr, CEO, Altius Health Plans; Jennifer Cannaday, attorney, Utah Health Insurance Association; David Gessell, President, Utah Hospital Association; Rick Martin, Utah Association of Health Underwriters; and John T. Nielson, Senior Legal Counsel, IHC.

MOTION: Sen. Hatch moved to pass the bill out favorably.

The motion passed unanimously with Sen. Mayne absent for the vote.

3. S.B. 194 Plumbing Apprentice Amendments (P. Hellewell)

Sen. Hellewell explained the bill.

Robert Bergman, Utah Mechanical Contractors Association and Larry Facer, Business Manager, Utah Pipe Trades, spoke in opposition to the bill.

MOTION: Sen. Walker moved to table the bill.

The motion failed with Sens. Waddoups and Walker voting to Table the bill, Sens. Hellewell, Bramble, Eastman and Hatch voting in opposition and Sen. Mayne absent for the vote.

SUBSTITUTE MOTION: Sen. Hellewell moved to pass the bill out favorably.

The motion failed with Sens. Hellewell, Eastman and Hatch voting in favor, Sens. Bramble, Waddoups and Walker voting in opposition and Sen. Mayne absent for the vote.

MOTION: Sen. Hatch moved to amend the bill as follows:

1. Page 6, Lines 175 through 180:

- 175 (ii) the shop ratio increases to one journeyman to ~~[[ten]]~~ **five** apprentices on
residential and
176 commercial work that does not involve new construction if the journeyman is working for
a
177 plumbing service company. For purposes of this Subsection (27)(b)(ii), plumbing service
178 company means a business entity that does at least 75% of its plumbing business
repairing,
179 servicing, or replacing existing plumbing fixtures as opposed to plumbing related to new
180 construction. All on-the-job training shall be under circumstances in which the ratio of

The motion passed unanimously with Sen. Mayne absent for the vote.

MOTION: Sen. Hatch moved to pass the bill out favorably.

The motion passed unanimously with Sen. Mayne absent for the vote.

Committee Chair Hellewell resumed the Chair.

4. S.B. 53 County and Municipal Zoning Regarding Billboards (M. Waddoups)

Sen. Waddoups explained the bill and proposed the following amendments:

1. *Page 3, Lines 69 through 82:*

- 69 (4) Notwithstanding Subsections (2) and (3), a legislative body may remove a
billboard
70 without providing compensation if[-]:
71 (a) the legislative body notifies the owner that the owner's billboard meets one or
more
72 of the conditions listed under Subsection (4)(c);
73 (b) after 180 days following the notice under Subsection (4)(a), the owner has failed
to
74 remedy the condition or conditions; and
75 (c) following the expiration of the 180-day period under Subsection (4)(b) and after
76 providing the owner with reasonable notice of proceedings and an opportunity for a
hearing,
77 the legislative body finds, by clear and convincing evidence, that the billboard:
78 ~~[(a) the]~~ ~~[[+]]~~ (i) applicant for a permit intentionally made a false or
misleading statement in his
79 application; [[+]] []
80 ~~[(b) the billboard]~~ ~~[[-(i)]]~~ (ii) is structurally unsafe;
81 ~~[(c) the billboard]~~ ~~[[-(ii)]]~~ (iii) is in an unreasonable state of repair; or
82 ~~[(d) the billboard]~~ ~~[[-(iii)]]~~ (iv) has been abandoned for at least 12 months.

2. *Page 5, Lines 127 through 139:*

- 127 (4) Notwithstanding Subsections (2) and (3), a legislative body may remove a
billboard
128 without providing compensation if[-]:
129 (a) the legislative body notifies the owner that the owner's billboard meets one or
more

130 of the conditions listed under Subsection (4)(c):
131 (b) after 180 days following the notice under Subsection (4)(a), the owner has failed
to
132 remedy the condition or conditions; and
133 (c) following the expiration of the 180-day period under Subsection (4)(b) and after
134 providing the owner with reasonable notice of proceedings and an opportunity for a
hearing,
135 the legislative body finds, by clear and convincing evidence, that the billboard:
136 ~~[(a) the]~~ ~~[[+]]~~ (i) applicant for a permit made a false or misleading
statement in his application; [[+]] []
137 ~~[(b) the billboard]~~ ~~[[-(i)]]~~ (ii) is **structurally** unsafe;
138 ~~[(c) the billboard]~~ ~~[[-(ii)]]~~ (iii) is in an unreasonable state of repair; or
139 ~~[(d) the billboard]~~ ~~[[-(iii)]]~~ (iv) has been abandoned for at least 12 months.

The motion passed unanimously with Sen. Mayne absent for the vote.

Craig Moody, lobbyist, Reagan Outdoor Signs, further explained the bill.

Gary Grane, Layton City Attorney, and Ronald Howell, billboard sign company owner, spoke in opposition to the bill.

MOTION: Sen. Waddoups moved to hold the bill and place it first on the next agenda.

The motion passed unanimously with Sen. Mayne absent for the vote.

5. S.B. 178 Mortgage Broker Amendments (M. Waddoups)

MOTION: Sen. Waddoups moved to adopt **1st Sub. S.B. 178** and place it second on the next agenda.

The motion passed unanimously with Sen. Mayne absent for the vote.

6. S.B. 176 Financial Institution Amendments (J. Valentine)

MOTION: Sen. Walker moved to adopt **1st Sub. S.B. 176** and place it third on the next agenda.

The motion passed unanimously with Sen. Mayne absent for the vote.

MOTION: Sen. Walker moved to adjourn.

The motion passed unanimously with Sen. Mayne absent for the vote.

Chair Hellewell adjourned the meeting at 10:10 a.m.

Sen. Parley G. Hellewell, Chair