

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE**
Room W010, West Office Building, State Capitol Complex
February 15, 2006

Members Present: Rep. Stephen D. Clark, Chair
Rep. Jim Dunnigan, Vice Chair
Rep. J. Stuart Adams
Rep. Jackie Biskupski
Rep. David Clark
Rep. Carl W. Duckworth
Rep. Craig A. Frank
Rep. Neil A Hansen
Rep. Todd E. Kiser
Rep. Michael T. Morley
Rep. Curtis Oda
Rep. Gordon E. Snow
Rep. Scott L. Wyatt

Staff Present: Allison Morgan, Policy Analyst
Linda Error, Committee Secretary

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

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

MOTION: Rep. Frank moved to approve the minutes of the February 13, 2006 meeting. The motion passed unanimously, with Rep. Dunnigan, Rep. D. Clark, Rep. Morley, and Rep. Oda absent for the vote.

H.B. 268 Garnishment Fees (*Rep. S. Mascaro*)

Rep. Mascaro introduced the bill to the committee.

Spoke against the bill: Mark Olson, Collection Attorney
Lacey Cherrington, Utah Association of Collectors

MOTION: Rep. Biskupski, moved to pass the bill out favorably. The motion passed with Rep. Duckworth and Rep. Hansen voting in opposition. Rep. Oda and Rep. Wyatt were absent for the vote.

Chair S. Clark relinquished the chair to Vice Chair Dunnigan

H.B. 365 Automated Teller Machine Fees (Rep. M. Walker)

Rep. Walker introduced the bill to the committee.

Spoke for the bill: Edward Leary, Commissioner, Financial Institutions
Spencer Stokes, Utah League of Credit Unions

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

H.B. 428 Consumer Sales Practices Act Amendments (Rep. M. S. Lawrence)

Rep. Lawrence introduced the bill to the committee. (handout)

MOTION: Rep. Adams moved to amend the bill as follows:

1. Page 4, Lines 115 through 120

115 (u) {~~without including a conspicuous statement written in dark bold with at~~
~~least~~
116 ~~12-point type at the top of the first page stating, "This is not a bill",~~} sends an
unsolicited
117 mailing to a person that appears to be a billing, statement, or request for payment {~~:~~
118 ~~—(i)—~~} for a product or service the person has not ordered or used {~~:~~} ~~.~~ or
119 {~~(ii)~~} that implies that the mailing requests payment for an ongoing product or
service the
120 person has not received ~~.~~ {~~:~~} ~~without including at the top of the first page a~~
~~conspicuous statment written in dark bold type at least as large as any request for~~
~~payment stating "This is not a bill, and no action for payment is required."~~

The motion to amend passed unanimously.

Spoke for the bill: Robert Walker, attorney, Kirton and McConkie
Thad LeVar, Division of Consumer Protection

MOTION: Rep. Kiser moved to amend the bill as follows:

1. Page 4, Lines 115 through 120:

115 (u) {~~without including a conspicuous statement written in dark bold with at~~
~~least~~

- 116 12-point type at the top of the first page stating, "This is not a bill", } sends an
unsolicited
- 117 mailing to a person that appears to be a billing, statement, or request for payment {~~it~~
- 118 ~~it~~} for a product or service the person has not ordered or used {~~it~~} ~~it~~ or
- 119 {~~it~~} that implies that the mailing requests payment for an ongoing product or
service the
- 120 person has not received or requested .

The motion to amend passed unanimously, with Rep. Morley absent for the vote.

MOTION: Rep. Biskupski moved to pass the bill out favorably. The motion passed unanimously, with Rep. Morley absent for the vote.

MOTION: Rep. Frank moved to place H.B. 428 on the Consent Calendar. The motion passed unanimously, with Rep. Morley absent for the vote.

S.B. 68 Plumbing License Qualifications Amendments (Sen. P. Hellewell)

Sen. Hellewell introduced the bill to the committee.

MOTION: Rep. S. Clark moved to pass the bill out favorably. The motion passed unanimously, with Rep. Biskupski, Rep. Frank, and Rep. Morley absent for the vote.

S.B. 116 Department of Financial Institution's Fees (Sen. L. Hillyard)

Sen Hillyard introduced the bill to the committee, with the assistance of Edward Leary, Commissioner, Financial Institutions. (handout)

Spoke for the bill: Preston Jackson, President, Merrill Lynch Bank

MOTION: Rep. D. Clark moved to pass the bill out favorably. The motion passed unanimously, with Rep. Frank and Rep. Morley absent for the vote.

MOTION: Rep. D. Clark moved to place H.B. 116 on the Consent Calendar. The motion passed unanimously, with Rep. Frank and Rep. Morley absent for the vote.

