

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE**
Room W010, West Office Building, State Capitol Complex
February 2, 2007

Members Present: Rep. Stephen D. Clark, Chair
Rep. Jim Dunnigan, Vice Chair
Rep. Jackie Biskupski
Rep. David Clark
Rep. Carl W. Duckworth
Rep. Ben Ferry
Rep. Gage Froerer
Rep. Kevin Garn
Rep. Neil A Hansen
Rep. Todd E. Kiser
Rep. Michael T. Morley
Rep. Paul Neuenschwander
Rep. Mark Walker

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

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

Rep. S. Clark called to the meeting to order at 8:05 a.m.

MOTION: Rep. Kiser moved to approve the minutes of the January 30, 2007 meeting. The motion passed unanimously, with Rep. Ferry, Rep. Garn, Rep. Morley, and Rep. Walker absent for the vote.

H.B. 104 **Alcoholic Beverage Licensees and Gambling-like Activities** (*Rep. S. Sandstrom*)

MOTION: Rep. Kiser moved to delete in title and body **H.B. 104** and replace it with 1st **Substitute H.B. 104**. The motion passed unanimously, with Rep. Ferry, Rep. Garn, and Rep. Morley absent for the vote.

Rep. Sandstrom introduced the substitute bill to committee.

Spoke against the substitute bill: Bob Brown, Utah Hospitality Association
Mark Livingston, Owner, Bogey's, Clearfield, Utah

Spoke for the substitute bill: Dalane England, citizen
Judy Twede, citizen

MOTION: Rep. Garn moved to pass the substitute bill out favorably.

SUBSTITUTE

MOTION: Rep. Biskupski moved to amend the substitute bill as follows:

1. *Page 8, Lines 238 through 239:*

238 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
requires

239 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
the return or

2. *Page 16, Lines 489 through 490:*

489 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
the return or

490 outcome is based upon an element of chance, excluding the playing of an amusement
device

3. *Page 22, Lines 675 through 676:*

675 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
requires

676 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
the return or

4. *Page 31, Lines 942 through 943:*

942 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
requires

943 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
the return or

5. *Page 48, Lines 1481 through 1482:*

1481 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
requires

1482 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
the return or

6. *Page 55, Lines 1674 through 1675:*

1674 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
 requires
1675 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
 the return or

7. *Page 59, Lines 1793 through 1794:*

1793 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
 requires
1794 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
 the return or

8. *Page 63, Lines 1930 through 1931:*

1930 (c) engage in or permit a contest, game, gaming scheme, or gaming device that
 requires
1931 ~~{or simulates}~~ the risking of something of value for a return or for an outcome when
 the return or

9. *Page 64, Lines 1969 through 1970:*

1969 (E) on the licensed premises engaging in or permitting a contest, game, gaming
1970 scheme, or gaming device that requires ~~{or simulates}~~ the risking of something of
 value for a

The substitute motion to amend passed unanimously, with Rep. D. Clark, Rep. Ferry, and Rep. Morley absent for the vote.

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

H.B. 126 Reporting of Fraudulent Insurance Acts (Rep. D. Aagard)

MOTION: Rep. D. Clark moved to delete in title and body **H.B. 126** and replace it with **1st Substitute H.B. 126**. The motion passed unanimously, with Rep. Ferry and Rep. Morley absent for the vote.

Rep. Aagard introduced the substitute bill to the committee (handout)

Spoke for the bill: Chris Purcell, State Farm Insurance

Spoke against the bill: Kelly Atkinson, Executive Director, Utah Health Insurance Association

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

1. Page 3, Lines 57 through 71:

57 (1) (a) A person shall report a fraudulent insurance act to the department if:
58 (i) the person has a good faith belief on the basis of a preponderance of the evidence
59 that ~~{an act that}~~ a fraudulent insurance act is being, will be, or has been
committed [related to title insurance shall report
60 the fraudulent act to the commissioner in a writing that provides] ~~{is a fraudulent~~
insurance act} ;
61 and
62 (ii) the person is:
63 ~~{(A) an insurer;}~~
64 ~~{(B) a producer;}~~
65 ~~{(C) a limited line producer;}~~
66 ~~{(D) a customer service representative;}~~
67 ~~{(E) a consultant;}~~
68 ~~{(F) a managing general agent;}~~
69 ~~{(G)}~~ (A) an insurance adjuster; or
70 ~~{(H)}~~ (B) in relation to the business of title insurance, an auditor that is
employed by a title
71 insurer.

The motion to amend passed, with Rep. Biskupski and Rep. Hansen voting in opposition. Rep. Ferry and Rep. Morley were absent for the vote.

Rep. Biskupski declared a conflict of interest.

MOTION: Rep. D. Clark moved to pass the substitute bill out favorably as amended. The motion failed, with Rep. D. Clark, Rep. S. Clark, Rep. Dunnigan, Rep. Froerer, and Rep. Walker voting in favor. Rep. Morley was absent for the vote.

H.B. 130 Funeral Services Licensing Act Amendments (Rep. K. McIff)

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

1. Page 10, Lines 289 through 292:

289 (iii) maintain at all times a licensed funeral service director who is responsible for the
290 day-to-day operation of the funeral service establishment [~~as the sole proprietor, a~~
~~managing~~
291 ~~general partner, or an officer of a corporation or other business entity; and (d) if it is the~~
292 ~~intention of]~~ and {~~lives within 100 miles of the establishment~~ } who is personally
available to perform the services for which the licensed is required ;

2. Page 12, Lines 347 through 350:

347 (i) the personal representative of the funeral service director's estate may operate the
348 funeral service establishment under the license, or renewals of the license, for not more
than
349 {~~one year~~ } two years from the date of the funeral service director's death without
meeting the qualifications
350 of an applicant and without having a licensed funeral service director; but

The motion to amend passed, with Rep. D. Clark, Rep. Dunnigan, and Rep. Morley absent for the vote.

Rep. McIff further explained the bill.

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

MOTION: Rep. Hansen moved that **H.B. 130** be placed on the Consent Calendar. The motion passed unanimously, with Rep. D. Clark, Rep. Dunnigan, Rep. Ferry, and Rep. Morley absent for the vote.

H.B. 292 Regulation of Direct Pathology Billing (Rep. M. Walker)

Rep. Walker introduced the bill to the committee with the assistance of Dr. James Albro, Utah Society of Pathologists.

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

1. Page 7, Lines 200 through 203:

200 this section.

201 (8) Nothing in this section ;

(a) requires an insurer or third party payor to make payments

202 directly to a clinical laboratory or health care provider outside of a participating provider
or

203 contractual relationship ; or

(b) shall restrict the ability of the lab functions in the Department of Health to
bill for services. .

The motion to amend passed, with Rep. D. Clark, Rep. Dunnigan, and Rep. Ferry absent for the vote.

Spoke against the bill: Dr. Paul Harrison, Dermatologist, American Academy of
Dermatology (handout)

MOTION: Rep. Garn moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. D. Clark and Rep. Ferry absent for the vote.

Chair S. Clark relinquished the chair to Vice Chair Dunnigan.

H.C.R. 1 Concurrent Resolution Approving the Interlocal Agreement Creating the Utah Lake Commission (Rep. S. Clark)

Rep. S. Clark introduced the resolution to the committee, with the assistance of Mike Styler, Director, Utah Department of Natural Resources.

Spoke to the bill: Bill Sinclair, Deputy Director, Department of Environmental Quality

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

MOTION: Rep. Morley moved that **H.C.R. 1** be placed on the Consent Calendar. The motion passed unanimously, with Rep. Ferry absent for the vote.

**S.B. 51 Alcoholic Beverage Enforcement and Treatment Restricted Account
Amendments (Sen. M. Waddoups)**

Sen. Waddoups introduced the bill to the committee with the assistance of Anna Kay
Waddoups, DUI Committee. (handout)

Chair S. Clark resumed the chair.

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

MOTION: Rep. Biskupski moved to adjourn the meeting. The motion passed unanimously,
with Rep. Ferry absent for the vote.

Chair S. Clark adjourned the meeting at 9:57 a.m.

Rep. Stephen D. Clark, Chair