

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE**
Room W010, West Office Building, State Capitol Complex
February 13, 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.

Vice Chair Dunnigan called the meeting to order at 4:14 p.m.

MOTION: Rep. Neuenschwander moved to approve the minutes of the February 12, 2007 meeting. The motion passed unanimously, with Rep. D. Clark, Rep. Duckworth, Rep. Ferry, Rep. Kiser, and Rep. Morley absent for the vote.

**H.B. 419 Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician
Licensing Act Amendments (*Rep. S. Clark*)**

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

1. Page 4, Lines 115 through 117:

115 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays,
or
116 masks, manual extraction , including a comodone extractor , depilatories,
waxes, tweezing, natural nail manicures or pedicures, or callous
117 removal by buffing or filing;

2. *Page 5, Line 150 through Page 6, Line 152:*

150 [~~(27)~~] (31) (a) "Practice of master-level esthetics" means:
151 (i) any of the following when done for cosmetic purposes on the head, face, neck,
torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes and not for the
 treatment of
152 medical, physical, or mental ailments:

3. *Page 6, Lines 157 through 159:*

157 (E) sanding, including microdermabrasion; ~~{or}~~ =
(F) advanced extraction; or
158 ~~{(F)}~~ (G) other esthetic preparations or procedures with the use of:
159 (I) the hands; or

4. *Page 10, Lines 295 through 297:*

295 (i) graduation from a licensed or recognized barber school whose curriculum consists
296 of a minimum of 1,000 hours of instruction or the equivalent number of credit hours over a
297 period of not less than ~~{eight}~~ six months;

5. *Page 11, Lines 310 through 312:*

310 (i) an instructor training program conducted by a barber school consisting of a
311 minimum of 500 hours or the equivalent number of credit hours; or
312 (ii) a minimum of ~~{1,000}~~ 2,000 hours of experience as a barber; and

6. *Page 14, Lines 406 through 409:*

406 (i) (A) completion of 1,200 hours of training or the equivalent number of credit
 hours[;
407 ~~including 200 hours of training or the equivalent number of credit hours in lymphatic~~
 ~~massage;~~
408 at a licensed or recognized esthetics school; ~~{and}~~
409 (B) having met the examination requirement established by division rule; and
(C) for practice of lymphatic massage, provide satisfactory documentation to
show completion of 200 hours of training or equivalent number of credit hours in
lymphatic massage;

7. *Page 15, Lines 456 through 459:*

- 456 (i) an instructor training program conducted by a licensed or recognized nail
457 technology school consisting of a minimum of ~~{100}~~ 150 hours or the equivalent
number of credit
458 hours; or
459 (ii) a minimum of ~~{400}~~ 600 hours of experience in nail technology; and

8. Page 20, Lines 590 through 597:

- 590 (3) touching, or applying an instrument or device to the following areas of a client's
591 body:
592 (a) the genitals or the anus , except in cases where the patron states to a licensee
that the patron requests a hair removal procedure and signs a written consent form,
which must also include the witnessed signature of a legal guardian if the patron is a
minor, authorizing the licensee to perform a hair removal procedure ; or
593 (b) the breast of a female patron, except in cases in which ~~{+}~~ the
female ~~{+}~~ ~~{-any}~~ patron
594 states to a licensee that the patron requests ~~{+}~~ breast ~~{+}~~ ~~{-a cosmetic}~~
skin ~~{+}~~ procedures ~~{+}~~ ~~{-procedure}~~ and
595 signs a written consent form, which must also include the witnessed signature of a parent
or
596 legal guardian if the patron is a minor, authorizing the licensee to perform
~~{+}~~ breast ~~{+}~~ ~~{-any}~~
597 cosmetic} skin ~~{+}~~ procedures ~~{+}~~ ~~{-procedure}~~ ; and

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

Rep. S. Clark introduced the bill to the committee.

Assisted by: Alan Dayton, Cellar's Barbershop
Candace Daly, Utah Cosmetology School Association

Spoke for the bill: Raymond Francom, Ray's Barbershop
Chris Kyler, citizen

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

MOTION: Rep. S. Clark moved that **H.B. 419** be placed on the Consent Calendar. The motion passed unanimously, with Rep. D. Clark, Rep. Ferry, and Rep. Morley

absent for the vote.

H.B. 459 Unfair Practices Act Amendments (Rep. S. Clark)

Rep. S. Clark introduced the bill to the committee, with the assistance of Robyn Riggs, Vice President, Salt Lake Chamber of Commerce. (handout)

Spoke for the bill: Jim Olson, President, Utah Retail Merchants Association

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

H.B. 152 Small Business Health Plan Task Force (Rep. S. Mascaro)

Rep. Mascaro introduced the bill to the committee.

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

1. *Page 3, Lines 67 through 68:*

67 (h) the Utah Comprehensive Health Insurance Pool; ~~{and}~~
 (i) associations that represent health insurers;
 (j) associations that represent health underwriters; and
68 ~~{(i)}~~ (k) other people or entities with expertise related to small business
 health plans.

2. *Page 3, Lines 79 through 80:*

79 Force: (a) an actuarial modeling of small business employer and employee participation in
 ~~{the~~
80 ~~Public Employee Health Plan (PEHP) and similar private plans;~~ a cost effective
 small business health insurance plan similar to those found in other private and
 public sector plans ; and

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

Spoke to the bill: Kelly Atkinson, Executive Director, Utah Health Insurance Assoc.
 Jason Perry, Executive Director, Governor's Office of Economic

Development

Spoke for the bill: John Pitt, President, Davis Chamber of Commerce
Judi Hilman, Executive Director, Utah Health Policy Project (handout)
Dale Carpenter, Director of Economic Development, Salt Lake County
Mary Mark, small business owner
Keith Trickett, small business owner

MOTION: Rep. Biskupski moved to proceed to the next item on the agenda. The motion passed with Rep. Duckworth and Rep. Hansen voting against, and Rep. D. Clark, Rep. Ferry, and Rep. Froerer absent for the vote.

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

H.B. 432 Identity Theft Database Amendments (Rep. E. Hutchings)

Rep. Hutchings introduced the bill to the committee with the assistance of Kirk Torgensen, Chief Deputy, Office of the Attorney General.

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

1. *Page 1, Lines 18 through 19:*

18 ▶ ~~{requires that the Internet website allow a victim of an identity-related~~
 ~~crime to~~
19 ~~receive and print a copy of a law enforcement agency's police report; and }~~

2. *Page 2, Lines 36 through 41:*

36 (2) The Internet website created under Subsection (1) shall allow a victim of an
37 identity-related crime to {~~;~~
38 ~~—(a)—~~} report the crime on the website and have the victim's report routed to the
39 appropriate law enforcement agency for the jurisdiction in which the crime occurred {~~;~~
 ~~and~~} ~~;~~
40 ~~{(b) print a police report from the appropriate law enforcement agency that~~
 ~~the victim~~
41 ~~may access and print from the website. }~~

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

Spoke for the bill: Laura Polacheck, AARP of Utah

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

S.B. 126 Sales Representative Commission Payment Act (Sen. S. Killpack)

Sen. Killpack introduced the bill to the committee.

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

H.B. 176 Certain County Debt Forgiven (Rep. D. Clark)

MOTION: Rep. D. Clark moved to delete in title and body **H.B. 176** and replace it with **1st Substitute H.B. 176**. The motion passed unanimously, with Rep. Biskupski, Rep. Froerer, Rep. Walker, and Rep. Walker absent for the vote.

Rep. D. Clark introduced the bill to the committee.

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

H.B. 329 Deferred Deposit Loans (Rep. L. Shurtliff)

Rep. Shurtliff introduced the bill to the committee.

Spoke for the bill: Linda Hilton, Coalition of Religious Communities
Laura Polacheck, AARP of Utah

MOTION: Rep. S. Clark moved that H.B. 329 be referred to interim study. The motion passed unanimously, with Rep. Froerer absent for the vote.

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

Chair S. Clark adjourned the meeting at 5:55 p.m.