

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE**
Room W010, West Office Building, State Capitol Complex
February 19, 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. Neil A Hansen
Rep. Todd E. Kiser
Rep. Michael T. Morley
Rep. Paul Neuenschwander
Rep. Mark Walker

Members Absent: Rep. Kevin Garn

Staff Present: Allison Nicholson, 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 4:18 p.m.

MOTION: Rep. Kiser moved to approve the minutes of the February 16, 2007 meeting. The motion passed unanimously, with D. Clark, Rep. Dunnigan, Rep. Ferry, Rep. Morley, and Rep. Walker absent for the vote.

H.B. 397 Workers' Compensation Amendments (*Rep. R. Bigelow*)

Rep. Bigelow introduced the bill to the committee with the assistance of Brian Allen, Liberty Mutual Insurance.

MOTION: Rep. Ferry moved to send the bill to interim study.

SUBSTITUTE

MOTION: Rep. S. Clark moved to table the bill. The motion passed, with Rep. Ferry and Rep. Neuenschwander voting in opposition. Rep. Dunnigan was absent for the vote.

H.B. 440 Drug Product Equivalent Amendments (Rep. E. Hutchings)

Rep. Hutchings introduced the bill to the committee.

MOTION: Rep. Kiser moved to delete in title and body **H.B. 440** and replace it with **1st Substitute H. B. 440**. The motion passed unanimously, with Rep. Dunnigan, Rep. Ferry, Rep. Morley, and Rep. Walker absent for the vote

Spoke for the bill: Kris Hansen, President, Epilepsy Association of Utah
Dr. Navin K. Varma, Neurologist

Spoke against the bill: Reid Barker, Executive Director, Utah Pharmacists Association
Jim Olsen, President, Utah Retail Merchants Association

Spoke to the bill: Dr. David Sundwall, Executive Director, Utah Department of Health

Rep. Hansen declared a conflict of interest.

MOTION: Rep. Duckworth moved to pass the bill out favorably. The motion passed, with Rep. S. Clark, Rep. Dunnigan, Rep. Kiser, and Rep. Morley voting in opposition. Rep. D. Clark, Rep. Ferry, and Rep. Walker were absent for the vote.

1st Sub. S.B. 136 Unlawful Detainer Amendments (Sen. M. Waddoups)

Sen. Waddoups introduced the bill to the committee with the assistance of Kirk Cullimore, Attorney.

Spoke against the bill: Martin S. Blaustein, Managing Attorney, Utah Legal Services

Spoke for the bill: Jim Decker, Landlord

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

1. Page 3, Line 83:

83 to nuisance actions provided in Sections 78-38-9 through 78-38-16 only.

(4)(a) Subsection (1)(d) does not apply to a person who is the victim of any incident or threatened incident of domestic violence, dating violence, or stalking.

(b) An incident or threatened incident of domestic violence, dating violence, or stalking does not constitute cause for the termination of any lease, tenancy, or right to

occupancy of the victim.

2. Page 7, Line 205 through Page 8, Line 216:

205 (g) (i) "An act that would be considered criminal under the laws of this state"
under
206 Subsection (3)(a) includes only the following:
207 ~~{(i)}~~ (A) an act that would be considered a felony under the laws of this
state;
208 ~~{(ii)}~~ (B) an act that would be considered criminal affecting the health or
safety of a tenant,
209 the landlord, the landlord's agent, or other person on the landlord's property;
210 ~~{(iii)}~~ (C) an act that would be considered criminal that causes damage or
loss to any tenant's
211 property or the landlord's property;
212 ~~{(iv)}~~ (D) a drug- or gang-related act that would be considered criminal;
213 ~~{(v)}~~ (E) an act or threat of violence against any tenant or other person on
the premises, or
214 against the landlord or the landlord's agent; and
215 ~~{(vi)}~~ (F) any other act that would be considered criminal that the court
determines directly
216 impacts the peaceful enjoyment of the premises by any tenant ~~{.}~~ ; and
**(ii) "An act that would be considered criminal under the laws of this state" does
not include an act directly related to abuse engaged in by a person if the tenant, or
the tenant's immediate family member, is the victim of an act or threatened act of
domestic violence, dating violence, or stalking.**

SUBSTITUTE

MOTION: Rep. Froerer moved to pass the bill out favorably. The motion passed, with Rep. Biksupski, Rep. S. Clark, Rep. Duckworth, and Rep. Hansen voting in opposition. Rep. D. Clark and Rep. Ferry were absent for the vote.

S.B. 118 Mechanics' Lien and Payment Amendments (Sen. S. Jenkins)

Sen. Jenkins introduced the bill to the committee with the assistance of Craig Moody, Utah Construction Suppliers Association.

Spoke to the bill: Charles Evans, Utah Land Title Association

Rep. S. Clark and Rep. Morley declared a conflict of interest.

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

Page 6, Line 155 after shall insert clearly
after payment insert , and delete [by]

Page 6, delete lines 156 and 157

SUBSTITUTE

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

H.B. 127 Employee Verification, Procurement, and Incentives (Rep. S. Sandstrom)

Rep. Sandstrom introduced the bill to the committee.

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

1. *Page 3, Lines 72 through 75:*

72 (b) If an employer described in this Subsection (3) receives or claims an economic
73 development incentive, the employer shall notify the office of a finding described in
Subsection
74 (3)(a) within {five} eight business days of the day on which the finding
described in Subsection (3)(a)
75 is final.

2. *Page 4, Lines 92 through 109*
House Committee Amendments
2-8-2007:

92 (2) (a) A state public procurement unit shall require as a condition of any
agreement to procure
93 supplies, services, and construction {that is the subject of a request for
proposals} described in Subsection (2)(b) that an
94 employer submit with that employer's response to a bid related to that agreement a
certification that the employer:

95 ~~{(a)}~~ (i) participates in the federal employment verification program; and
96 ~~{(b)}~~ (ii) has not been found to violate the requirements of the federal
 employment
97 verification program by:

98 ~~{(f)}~~ (A) the United States Department of Homeland Security; or
99 ~~{(ff)}~~ (B) the ~~{-division-}~~ Division of Purchasing and General
 Services .

(b) This section applies to an agreement to procure supplies, services, or
construction that:

(i) is the subject of a request for proposals; and

(ii) has a total dollar value equal to or greater than \$25,000.

(c) (i) This section does not apply to a person that does not directly
submit a response to a bid described in Subsection (2)(a) for the right to enter
into an agreement with the state public procurement unit, including a person
who is a subcontractor of the employer that submits a response to the bid.

(ii) An employer who submits a response to a bid in accordance with
Subsection (2)(a) may not be required under this section to certify whether or
not any subcontractor of that employer participates in the federal
employment verification program.

100 (3) (a) If the ~~{-division-}~~ Division of Purchasing and General Services
 learns that the employer does not participate in the federal
101 employment verification program or an employer is found by the United States
 Department of
102 Homeland Security to violate the requirements of the federal employment verification
 program ~~{-}~~ :

(i) the employer shall remedy the violation within 60 days of the earlier of:

(A) the day on which the ~~{-division-}~~ Division of Purchasing and General
Services notifies the employer that the ~~{-division-}~~ Division of Purchasing and
General Services learned that the employer is subject to this Subsection (3); or

(B) the day on which the employer notifies the ~~{-division-}~~ Division of
Purchasing and General Services of the finding as required by Subsection (3)(b); and

(ii) if the employer fails to remedy the violation within the 60-day period
described in Subsection (3)(a)(i):

(A) for an agreement entered into on or after April 30, 2007, any agreement with
a state public procurement unit that is in effect terminates on the day immediately

following the day on which the 60-day period ends;

(B) the state public procurement unit has any remedy available under an agreement described in Subsection (3)(a)(ii)(A) for breach of that agreement; and

103 (C) the employer may not enter into a new agreement or renew an agreement to provide supplies,

104 services, or construction to a state public procurement unit for one year after the day on which the

105 finding described in {~~this~~} Subsection (3) (a)(i) becomes final.

106 (b) If an employer described in this Subsection (3) has an agreement to provide

107 supplies, services, or contraction to a state public procurement unit, the employer shall notify the

108 {~~division~~} Division of Purchasing and General Services of the finding

described in Subsection (3)(a) within {five} eight business days of the day on

109 which the finding described in Subsection (3)(a) is final.

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

Spoke for the bill: Gayle Ruzicka, Utah Eagle Forum
Ron Mortenson, private citizen

The Chair noted that a quorum was no longer present.
Chair S. Clark adjourned the meeting at 6:13 p.m.

H.B. 464 Limited Liability Company Amendments (Rep. P. Neuenschwander)

This bill was not heard.

H.B. 183 Employee Noncompetition Contracts (Rep. L. Fowlke)

This bill was not heard.

Minutes of the Business and Labor Standing Committee
February 19, 2007
Page 7

Rep. Stephen D. Clark, Chair