

**MINUTES OF THE HOUSE BUSINESS AND LABOR  
STANDING COMMITTEE**  
Room W010, West Office Building, State Capitol Complex  
February 1, 2008

**Members Present:** Rep. Stephen D. Clark, Chair  
Rep. Jim Dunnigan, Vice Chair  
Rep. Carl W. Duckworth  
Rep. Jackie Biskupski  
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

**Members Absent:** Rep. David Clark

**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 2:00 p.m.

**MOTION:** Rep. Hansen moved to approve the minutes of the January 30, 2008 meeting. The motion passed unanimously, with Rep. Biskupski, Rep. Ferry, Rep. Kiser, Rep. Morley, and Rep. Walker absent for the vote.

Chair S. Clark announced to the committee that H.B. 89 Antidiscrimination Act Amendments will be sent to interim for further study.

**S.B. 27      Trustees Sale - Process for Excess Proceeds (Sen. G. Davis)**

Rep. Garn introduced the bill to the committee.

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

**S.B. 30      Consumer Sales Practice Act Amendments (Sen. P. Jones)**

Sen. Jones introduced the bill to the committee.

Spoke for the bill: Kevin Olsen, Director, Division of Consumer Protection

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

MOTION: Rep. Garn moved to place S.B. 30 on the Consent Calendar. The motion passed unanimously, with Rep. Ferry, Rep. Morley, and Rep. Walker absent for the vote.

**H.B. 159 Professional Employer Organization Licensing Act (Rep. J. Dunnigan)**

Rep. Dunnigan introduced the bill to the committee with the assistance of Adam Peer, National Association of Professional Employer Organizations. (handout)

Spoke for the bill: Rick Bartholomew, CEO, A Plus Benefits

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

**H.B. 342 Insurance Code Amendments (Rep. J. Dunnigan)**

Rep. Dunnigan introduced the bill to the committee with the assistance of Suzette Green-Wright, Utah Insurance Department.

Spoke for the bill: Elizabeth Garbe, Utah Health Policy Project  
Kelly Atkinson, Utah Health Insurance Association

Spoke to the bill: Brian King, Utah Association for Justice

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

1. Page 43, Line 1326 through Page 44, Line 1339:

1326 (1) {+} (a) {+} ~~{There}~~ Subject to Subsection (1)(b), there is  
created within the department the Title and Escrow Commission that  
1327 is comprised of five members appointed by the governor with the consent of the Senate as  
1328 follows:  
1329 {+} (i) {+} ~~{(a)}~~ four members shall each:  
1330 {+} (A) {+} ~~{(i)}~~ be or have been licensed under the title insurance  
line of authority; ~~and~~  
1331 {+} (B) {+} ~~{(ii)}~~ as of the day on which the member is appointed, be  
or have been licensed

- 1332 with the search or escrow subline of authority for at least five years; and  
1333 ~~{(iii)}~~ (C) as of the day on which the member is appointed, not be from the  
same county as  
1334 another member appointed under this Subsection (1)(a) (i) ; and  
1335 {+} (ii) {+} ~~{(b)}~~ one member shall be a member of the general public  
from any county in the  
1336 state.  
1337 {+} (b) No more than one commission member may be appointed  
from ~~{+}~~ {+}  
1338 ~~[(i) any county in the state; or]~~  
1339 {+} ~~{(ii) any}~~ a single company. {+}

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

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

1. *Page 52, Lines 1582 through 1584:*

- 1582 (4) ~~{A}~~ Except for a bank, savings and loan association, industrial bank,  
or credit union, a service contract provider may not sell, or be the obligated party for:  
1583 (a) a guaranteed asset protection waiver; ~~{or}~~  
1584 (b) a debt cancellation agreement ~~{-}~~ ; or  
(c) a debt suspension agreement

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

MOTION: Rep. Ferry moved amend the bill as follows:

1. *Page 72, Lines 2224 through 2226:*

- 2224 (3) (a) The department may ~~request~~ require a person applying for a license ~~{, for~~  
2225 ~~renewal of a license,~~ } or for consent to engage in the business of insurance to submit to  
a  
2226 criminal background check as a condition of receiving a license ~~{, renewal,~~ } or  
consent.

2. *Page 81, Lines 2486 through 2488:*

2486 (4) (a) The department may require a person applying for a license ~~{, for renewal~~  
of a  
2487 ~~license;}~~ or for consent to engage in the business of insurance to submit to a criminal  
2488 background check as a condition of receiving a license ~~{, renewal;}~~ or consent.

3. Page 83, Lines 2557 through 2559:

2557 (3) (a) The department may require a person applying for a license ~~{, for renewal~~  
of a  
2558 ~~license;}~~ or for consent to engage in the business of insurance to submit to a criminal  
2559 background check as a condition of receiving a license ~~{, renewal;}~~ or consent.

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

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

**H.B. 290 Municipal Oversight of Rental Dwellings (Rep. G. Froerer)**

Rep. Froerer introduced the bill to the committee with the assistance of Paul Smith, Utah Apartment Association.

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

1. Page 1, Lines 21 through 22:

21 ~~{~~regulating the practice of submetering, ratio utility billing, or other~~~~  
utility cost  
22 ~~allocation method;}~~

2. Page 1, Lines 25 through 27:

25 dwelling was constructed, ~~{~~other than a smoke detector; or}~~~~ except as required  
under the Utah Uniform Building Standards Act; and  
26 ~~{~~imposing a civil or criminal penalty on the owner of a rental~~~~  
dwelling for a  
27 ~~safety device controlled by a tenant; and}~~

3. Page 3, Lines 85 through 88:

85 dwelling; or  
86 ~~{(b) regulate the practice of submetering, ratio utility billing, or other utility~~  
~~cost~~  
87 ~~allocation method;}~~  
88 ~~{(c)}~~ (b) except as required under Title 58, Chapter 56, Utah Uniform  
Building Standards Act, require the owner of a rental dwelling to retrofit the rental  
dwelling with or install

4. Page , Line 90 through Page 4, Line 92:

90 constructed ~~{, other than a smoke detector, or}~~ ;  
91 ~~{(d) impose a civil or criminal penalty on an owner of a rental dwelling for a~~  
~~safety~~  
92 ~~device controlled by a tenant of the rental dwelling.}~~

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

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

Page 1 Delete lines 15 and 16

Page 3 Reinstate the language on line 65, and renumber accordingly

Page 3 Reinstate the language on lines 81-82, and renumber accordingly

The motion to amend failed, with Rep. Dunnigan and Rep. Morley voting in favor. Rep. Garn and Rep. Hansen were absent for the vote.

MOTION: Rep. Biskupski moved to pass the bill out favorably as amended. The motion passed, with Rep. Dunnigan voting in opposition. Rep. Garn and Rep. Hansen were absent for the vote.

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

**H.C.R. 3 Concurrent Resolution - Declaring Love Your Library Week (Rep. S. Clark)**

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

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

1. Page 1, Lines 14 through 15:

14 ▶ designates ~~{April 13 through 19, 2008}~~ one week in April as "Love

Your Library Week" in the state of  
15 Utah, to coincide with National Library Week.

2. *Page 2, Lines 34 through 36:*

34 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah,  
the  
35 Governor concurring therein, designate {~~April 13 through 19, 2008~~} one week in  
April as "Love Your Library  
36 Week" in the state of Utah, to coincide with National Library Week.

The motion to amend passed unanimously, with Rep. Garn and Rep. Hansen absent for the vote.

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

MOTION: Rep. Biskupski moved to place the resolution on the Consent Calendar. The motion passed unanimously, with Rep. Garn and Rep. Hansen absent for the vote.

**H.B. 128 Utah Residential Mortgage Practices Act Amendments (Rep. M. Newbold)**

This bill was not heard.

MOTION: Rep. Morley moved to adjourn the meeting. The motion passed unanimously, with Rep. Garn and Rep. Hansen absent for the vote.

Vice Chair Dunnigan adjourned the meeting at 3:35 p.m.

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Rep. Stephen D. Clark, Chair