

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE**

Room 450, State Capitol, Utah State Capitol Complex

February 9, 2010

Members Present: Rep. Jim Dunnigan, Chair
Rep. Patrick Painter, Vice Chair
Rep. Jackie Biskupski
Rep. Stephen Clark
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Francis Gibson
Rep. Neil Hansen
Rep. Brian King
Rep. Todd Kiser
Rep. Michael Morley
Rep. Brent Wallis
Rep. Curt Webb

Members Absent: Rep. Kevin Garn

Staff Present: Bryant Howe, Assistant Director
Rosemary Young, Committee Secretary

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

Rep. Painter called the meeting to order at 3:17 p.m.

MOTION: Rep. Dunnigan moved to approve the minutes of the Feb. 5, 2010 meeting. The motion passed unanimously.

H.B. 126 State Construction Registry Amendments (*Rep. R. C. Webb*)

MOTION: Rep. Dunnigan moved to amend H.B. 126 as follows:

1. *Page 3, Lines 68 through 71:*

68 (i) for a government project, the unique project number assigned by the
{ designated

69 agent} governmental entity undertaking the project ;

70 (ii) for a permitted project {·} ·

(A) the number of the building permit issued for the project;

71 and

(B) the name of the county or municipality that issued the building permit;

and

2. Page 8, Lines 226 through 228:

226 (1) (a) (i) ~~{(A) For a construction project where a building permit is issued to~~
227 ~~an original~~
227 ~~contractor or owner-builder, no later than 15 days after the issuance of the building~~
227 ~~permit:~~
228 ~~—(I) the~~ A local government entity issuing ~~{that}~~ a building permit
for a private project shall , no later than 15 days after issuing the permit, input
the building

3. Page 8, Lines 230 through 235:

230 by way of the Internet or computer modem or by any other means ~~{; or}~~ .
231 ~~{(H) the original contractor, owner, or owner-builder may file a notice of~~
232 ~~commencement with the database whether or not a building permit is issued or a~~
232 ~~notice of~~
233 ~~commencement is filed under Subsection (1)(a)(i)(A)(I). }~~
234 ~~{(B) The information submitted under Subsection (1)(a)(i)(A) forms the basis~~
234 ~~of a~~
235 ~~notice of commencement. }~~

4. Page 8, Line 243 through Page 9, Line 246:

243 (b) No later than 15 days after commencement of physical construction work at
the government
244 project site, the original contractor, owner, or owner-builder ~~{may}~~ shall file a
notice of
245 commencement with the database ~~{whether or not a building permit is issued or a~~
245 ~~notice of~~
246 ~~commencement is filed under Subsection (1)(a)}~~ .

5. Page 9, Lines 248 through 253:

248 commencement with the designated agent [prior to] within ~~{either of the time frames-~~
249 ~~established in Subsections (1)(a) and (b)}~~ the time frame established in Subection
249 (1)(b) .
250 ~~{(d) An owner of construction or an original contractor may file a notice of~~

251 ~~commencement with the designated agent within either of the time [prescribed by] frames~~

252 ~~established in Subsections (1)(a) and (b).}~~

253 ~~{(e)}~~ (d) (i) If duplicate notices of commencement are filed, they shall be combined into one

6. Page 9, Line 257:

257 Subsection (1) ~~{(e)}~~ (d) (i) if the earlier filed notice of commencement is timely filed.

7. Page 9, Line 260:

260 ~~{(f)}~~ (e) (i) The designated agent shall assign each [~~construction~~] government project a

8. Page 9, Line 269:

269 ~~{(g)}~~ (f) A notice of commencement is effective only as to any labor, service, equipment,

9. Page 10, Lines 291 through 292:

291 (3) If a notice of commencement for a ~~{construction}~~ government project is not filed within the time

292 set forth in ~~{Subsections (1)(a) and}~~ Subsection (1) (b), the following do not apply:

10. Page 12, Lines 344 through 345:

344 subcontractor's work or the subcontractor's commencement of furnishing labor, service, equipment, or material

345 to the private project , whether or not a local government entity has submitted building permit information to the database under Subsection 38-1-31(1)(a) ; or

11. Page 12, Lines 352 through 353:

352 commencement.

(ii) If a local government entity has not submitted building permit information to the database at the time a subcontractor for a private project files a preliminary notice with the database under Subsection (2)(a)(i)(A), the subcontractor shall include in the preliminary notice:

(A) the name of the county in which the property on which the project occurs or will occur is located; and

(B) the tax identification or parcel number of that property.

353 ~~{(ii)}~~ (iii) A preliminary notice filed within the period described in Subsection ~~[(+)]~~(2)(a)(i) is

12. Page 12, Line 357:

357 ~~{(iii)}~~ (iv) (A) If more than one notice of commencement is filed for a government project, a

13. Page 13, Line 373:

373 subcontractor on a private project who fails to file ~~[the]~~ a preliminary notice~~[-that person]~~ , whether or not a local government entity has submitted building permit information to the database as required in Subsection 38-1-31(1)(a), may

The motion passed unanimously with Rep. Clark, Rep. Froerer, Rep. Gibson, and Rep. Hansen absent for the vote.

Rep. Webb introduced the bill and explained it to the committee. Douglas Griffith, an attorney, spoke against the bill. Cort Ashton, Utah Land Title Association, and Taz Biesinger, Utah Homebuilders Association, spoke in favor of the bill. Tom Harper, Division of Occupational and Professional Licensing, spoke to the bill.

MOTION: Rep. Froerer moved to transmit H.B. 126 with a favorable recommendation. The motion passed with Rep. King voting in opposition.

H.B. 260 Children's Health Insurance Plan Simplified Renewal (*Rep. M. Newbold*)

Rep. Newbold introduced the bill and explained it to the committee. Yvette Woodland, Department of Workforce Services, spoke in favor of the bill. Nate Checketts, Department of Health, spoke to the bill.

MOTION: Rep. Kiser moved to transmit H.B. 260 with a favorable recommendation. The motion passed unanimously.

H.B. 272 Construction Trades Licensing Act Amendments (*Rep. B. King*)

This bill was not considered.

S.B. 13 State Construction Contracts and Drug and Alcohol Testing (*Sen. K. Mayne*)
(Rep. M. Brown)

Sen. Mayne, distributed a handout, and assisted by Dennis Lloyd, General Counsel, Workers Compensation Fund, introduced the bill and explained it to the committee. Tibby Milne, Utah Council for Crime Prevention, spoke in favor of the bill.

MOTION: Rep. Duckworth moved to transmit S.B. 13 with a favorable recommendation. The motion passed with Rep. Morley voting in opposition.

S.B. 85 Utah Construction Trade Licensing Act Amendments (*Sen. S. Jenkins*) (Rep. R. Edwards)

Sen. Jenkins, accompanied by David Halverson, Plumbing Licensing Board, and Jeff Pedersen, Utah Plumbing and Heating Contractors Association, introduced the bill and explained it to the committee. Brad Stevens, former chairman of the Electrical Board, spoke in favor of the bill.

MOTION: Rep. Wallis moved to transmit S.B. 85 with a favorable recommendation. The motion passed with Rep. Morley voting in opposition.

S.B. 96 Uintah Basin Revitalization Fund Amendments (*Sen. K. Van Tassell*) (Rep. J. Mathis)

Rep. Dunnigan introduced the bill and explained it to the committee.

MOTION: Rep. Clark moved to transmit S.B. 96 with a favorable recommendation. The motion passed unanimously.

MOTION: Rep. Duckworth moved to adjourn. the motion passed unanimously.

Rep. Painter adjourned the meeting at 4:56.

Minutes of the Business and Labor Standing Committee
February 9, 2009
Page 6