

**MINUTES OF THE SENATE BUSINESS & LABOR STANDING COMMITTEE
WEDNESDAY, FEBRUARY 24, 2010
ROOM 215, SENATE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. John Valentine, Chair
Sen. Gene Davis
Sen. Dan Liljenquist
Sen. Karen Mayne
Sen. Wayne Niederhauser
Sen. Steve Urquhart
Sen. Kevin VanTassell

Staff Present: Bryant R. Howe, Office of Legislative Research and General Counsel
Karen Allred, Committee Secretary

Public Speakers Present: John Morris, Attorney, Condominiums and Planned Unit
Developments
Michael Johnson, CEO, FCS Community Management
Chris Gamvroulas, President, Ivory Development
Ty McCutcheon, Vice President, Kennecott Land
Taz Beisinger, Utah Home Builders Association
Cort Ashton, President Utah Land Title Association
Chris Kyler, Attorney, Utah Association of Realtors
Howard Headlee, President, Utah Bankers Association
Candace Daly, Government Relations, Utah Diabetes Association
Eileen Miller, citizen
Dennis Lloyd, Senior Vice President, Workers Compensation Fund
Jim Olsen, President, Utah Food Industry Association
Alan Hennebold, Deputy Commissioner, Utah Labor Commission
Wayne Harper, Utah State House of Representatives

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Valentine called the meeting to order at 7:24 a.m.

Approval of Minutes

MOTION: Sen. Van Tassell moved to approve the minutes of February 18, and 22, 2010.

The motion passed unanimously with Sens. Liljenquist, Urquhart and Davis absent for the vote.

1. **S.B. 161 Real Property Transfer Fee Amendments** (*M. Madsen*)

Sen. Madsen introduced the bill and 1st Sub. S.B.161 was distributed.

MOTION: Sen. Niederhauser moved to adopt 1st Sub. S.B. 161.

The motion passed unanimously with Sens. Urquhart and Davis absent for the vote.

Sen. Madsen further clarified 1st Sub. S.B. 161 and answered questions from the committee.

The following amendment was suggested:

1. Page 1, Lines 15 through 17:

15 General Description:

16 This bill enacts a provision relating to fees {~~association~~} associated
with the transfer of real property.

17 Highlighted Provisions:

MOTION: Sen. Liljenquist moved to adopt the amendment.

The motion passed unanimously with Sens. Urquhart and Davis absent for the vote.

John Morris, Attorney, Condominiums and Planned Unit Developments and Michael Johnson, CEO, FCS Community Management spoke in support of the bill but expressed some concerns.

Chris Gamvroulas, President, Ivory Development; Ty McCutcheon, Vice President, Kennecott Land; Taz Beisinger, Utah Home Builders Association; Cort Ashton, Utah Land Title Association; Chris Kyler, Attorney, Utah Association of Realtors and Howard Headlee, Utah Bankers Association spoke in support of the bill.

MOTION: Sen. VanTassell moved to transmit 1st Sub. S.B. 161 with a favorable recommendation.

Sen. Niederhauser assumed the Committee Chair.

2. S.B. 167 Alcoholic Beverage Control Act Recodification (J. Valentine)

Sen. Valentine introduced the bill and the following amendments were distributed:

1. Page 2, Lines 38 through 39:

38 Other Special Clauses:

39 This bill provides an effective date.

This bill coordinates with H.B. 141, Utah Substance Abuse and Anti-violence Coordinating Council Amendments, to technically merge amendments.
This bill coordinates with H.B. 223, Alcoholic Beverage Control Act and Licenses, to technically merge amendments.

2. Page 23, Lines 688 through 689:

688 32A-15a-203, as enacted by Laws of Utah 2003, Chapter 314

Utah Code Sections Affected by Coordination Clause:

32B-2-402, Utah Code Annotated 1953

32B-6-203, Utah Code Annotated 1953

32B-6-303, Utah Code Annotated 1953

32B-6-703, Utah Code Annotated 1953

32B-7-305, Utah Code Annotated 1953

689

3. Page 24, Lines 718 through 719:

718 (6) A business license issued under this section ~~{-constitutes-}~~ **does not**
constitute written consent of the local

719 authority within the meaning of Title [~~32A~~] 32B, Alcoholic Beverage Control Act.

4. Page 72, Line 2224 through Page 73, Line 2230:

2224 (5) ~~{(a)}~~ A commissioner shall ~~{-}~~

2225 ~~{(i)}~~ take the oath of office ~~{-;and~~

2226 ~~—(ii) give a bond to the state for faithful performance of duties:~~

2227 ~~—(A) in an amount determined by the Division of Finance; and~~

2228 ~~—(B) in a form approved by the attorney general;~~

2229 ~~—(b) The state shall pay the premium for a bond required by this Subsection~~
~~(5)}~~ .

2230 (6) (a) The governor may remove a commissioner from the commission for cause
after

5. Page 403, Lines 12462 through 12464:

12462 Section 384. Effective date.

12463 This bill takes effect on July 1, 2011, except the amendments to Section
12464 58-82-102(Effective 07/01/12) take effect on July 1, 2012.

Section 385. Coordinating this S.B. 167 with H.B. 141 -- Technically merging changes.

If this S.B. 167 and H.B. 141, Utah Substance Abuse and Anti-violence Coordinating Council Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication change the references from "Utah Substance Abuse and Anti-violence Coordinating Council" to "Utah Substance Abuse Coordinating Council" in the following subsections enacted in this bill to take effect July 1, 2011:

(1) Subsection 32B-2-402(1)(d); and

(2) Subsection 32B-7-305(5).

Section 386. Coordinating this S.B. 167 with H.B. 223 -- Technically merging changes. If this S.B. 167 and H.B. 223, Alcoholic Beverage Control Act and Licenses, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication make the following changes to the following subsections enacted in this bill to take effect on July 1, 2011:

(1) change the number in Subsection 32B-6-203(3)(a) from "5,200" to "5,000";

(2) change the number in Subsection 32B-6-303(3)(a) from "9,300" to "8,700"; and

(3) change the number in Subsection 32B-6-703(3)(a) from "30,500" to "53,400".

MOTION: Sen. Valentine moved to adopt the amendments.

The motion passed unanimously.

MOTION: Sen. Davis moved to transmit S.B. 167 as amended with a favorable recommendation.

The motion passed unanimously with Sen. Liljenquist absent for the vote.

MOTION: Sen. Davis moved that the bill be placed on the Consent Callendar.

The motion passed unanimously with Sen. Liljenquist absent for the vote.

Sen. Valentine resumed the Committee Chair.

3. H.B. 257 Dietician Certification Act Amendments (M. Newbold)

Rep. Newbold explained the bill.

Candace Daly, Government Relations, Utah Diabetes Association spoke in support of the bill.

MOTION: Sen. Mayne moved to transmit H.B. 257 with a favorable recommendation.

The motion passed unanimously with Sen. Liljenquist absent for the vote.

4. S.B. 231 Medical Benefits Under Workers' Compensation (D.C. Buttars)

The following amendment was distributed:

1. *Page 2, Lines 41 through 46:*

- 41 ~~{(b) For purposes of Subsection (1)(a), a medical expense is considered~~
necessary to
42 treat an industrial accident if the medical expense is for treatment of a disability that
results
43 from the industrial accident.}
44 ~~{(c) An}~~ (b) For an industrial accident that occurs on or after July 1,
1988, and is the basis of a claim for a medical expense , an employee is entitled to be
compensated for ~~{a}~~ the medical expense if the employee
45 meets the requirements of ~~{Subsections (1)(a) and (b) regardless of the industrial~~
46 accident that is the basis of the claim occurred before April 30, 2007} Subsection
(1)(a) .

MOTION: Sen. Davis moved to adopt the amendment.

The motion passed unanimously with Sen. Liljenquist absent for the vote.

Eileen Miller, citizen, spoke in support of the bill and a handout was distributed.

Dennis Lloyd, Workers' Compensation Fund spoke in support of the bill.

Jim Olsen, President, Utah Food Industry and Alan Hennebold, Deputy Commissioner, Utah Labor Commission spoke to the bill.

Rep. Wayne Harper, Utah State House of Representatives, spoke in support of the bill.

MOTION: Sen. Mayne moved to transmit S.B. 231, as amended, with a favorable

recommendation.

The motion passed unanimously with Sen. Liljenquist absent for the vote.

5. H.B. 183 Construction and Fire Code Related Amendments (M. Morley)

Rep. Morley explained the bill.

MOTION: Sen. Davis moved to transmit H.B 183 with a favorable recommendation.

The motion passed unanimously with Sens. Liljenquist and Niederhauser absent for the vote.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously.

Chair Valentine adjourned the meeting at 9:00 a.m.

Sen. John Valentine, Committee Chair