

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

Room 450, State Capitol, Utah State Capitol Complex
February 25, 2011

Members Present: Rep. Jim Dunnigan, Chair
Rep. Dixon Pitcher, Vice Chair
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Derek Brown
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Francis Gibson
Rep. Don Ipson
Rep. Todd Kiser
Rep. Brad Last
Rep. Michael Morley
Rep. Curt Webb
Rep. Larry Wiley

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. Dunnigan called the meeting to order at 4:23 p.m.

MOTION: Rep. Bird moved to approve the minutes of the Feb. 23, 2011 meeting. The motion passed unanimously with Rep. Biskupski, Rep. Brown, Rep. Morley, Rep. Wiley, and Rep. Pitcher absent for the vote.

H.B. 470 Authorized Use of a Business Name (*Rep. R. Edwards*)

Rep. Edwards explained the bill to the committee assisted by Robert Hood, a private citizen.

MOTION: Rep. Ipson moved to go to the next item on the agenda. The motion passed unanimously with Rep. Morley and Rep. Pitcher absent for the vote.

H.B. 285 Asbestos Requirements (*Rep. L. Wiley*)

MOTION: Rep. Wiley moved to amend H.B. 285 as follows:

1. *Page 6, Lines 154 through 161:*

154 (6) Rules made in accordance with this section may not require testing for asbestos
and

- 155 related materials on a residential property with four or fewer units, unless:
156 (a) the testing is related to the proposed demolition of a residential property; or
157 (b) the testing is of:
158 (i) a sprayed acoustical ceiling;
159 { ~~(ii) asbestos-taped ducts and furnaces;~~
160 ~~(iii) transite siding and roofing material; or~~
161 ~~(iv) vinyl asbestos floor tile.~~
-} (ii) wall-texturing material;
(iii) thermal-system insulation or tape, on a duct or furnace;
(iv) roof felt;
(v) resilient flooring material, including sheet vinyl, vinyl floor tile, linoleum, or the
underlayment and adhesive of resilient flooring material;
(vi) transite siding or roofing material;
(vii) transite pipe; or
(viii) a transite counter top.

The motion passed unanimously with Rep. Bird, Rep. Brown, and Rep. Pitcher absent for the vote.

Rep. Wiley explained the bill to the committee. Marion Barnhill, Salt Lake City Housing and Neighborhood Development, spoke in favor of the bill.

MOTION: Rep. Froerer moved to transmit H.B. 285 with a favorable recommendation. The motion passed unanimously with Rep. Pitcher absent for the vote.

MOTION: Rep. Kiser moved to place H.B. 285 on the Consent Calendar. The motion passed unanimously with Rep. Pitcher absent for the vote.

H.B. 170 Tobacco and Nicotine Product Amendments (Rep. P. Ray)

MOTION: Rep. Brown moved to replace H.B. 170 with 1st Substitute H.B. 170. The motion passed unanimously with Rep. Pitcher absent for the vote.

Rep. Ray explained the bill to the committee assisted by Amy Sands, Utah Department of Health, who distributed a handout. The following individuals spoke in favor of the bill:

Barbara Crouch	Utah Poison Control Center
Art Hansen	Principal, Bonneville High School
Tom Metcalf, M.D.	Pediatrician

Ben Wright, M.D.	Pediatricians Against Secondhand Smoke
Liz Zentner	Utah PTA
Maddy Buckley	Teen Advocates Against Tobacco
Kristi Jones	Weber-Mogan Health Department

The following individuals spoke against the bill:

Dave Davis	Utah Food Industry Association
	Utah Retail Merchants Association
Kenn Crandall	Tinderbox
Jacinda Ross	Private Citizen

MOTION: Rep. Froerer moved to hold 1st Substitute H.B. 170.

SUBSTITUTE MOTION: Rep. Biskupski moved to transmit 1st Substitute H.B. 170 with a favorable recommendation. The motion failed with Rep. Biskupski, Rep. Duckworth, Rep. Pitcher, and Rep. Dunnigan voting in favor.

H.B. 432 Nuisance Amendments (Rep. G. Froerer)

Rep. Froerer, accompanied by Gary Williams, Ogden City Attorney, explained the bill to the committee.

MOTION: Rep. Duckworth moved to transmit H.B. 432 with a favorable recommendation. The motion passed unanimously with Rep. Biskupski and Rep. Webb absent for the vote.

MOTION: Rep. Bird moved to place H.B. 432 on the Consent Calendar. The motion passed unanimously with Rep. Biskupski and Rep. Webb absent for the vote.

H.B. 292 Abusive Workplace Policies Act (Rep. S. Sandstrom)

Rep. Sandstrom explained the bill to the committee assisted by Denice Halverson, private citizen, who distributed a handout.

MOTION: Rep. Duckworth moved to amend H.B. 292 as follows:

1. Page 2, Lines 45 through 50:

45 **(i) repeated infliction of verbal abuse, such as the use of derogatory remarks,**
insults,

46 **and epithets;**

47 **(ii) verbal or physical conduct of a threatening, intimidating, or humiliating**

- nature .or sexual harrasment ;**
- 48 **(iii) the sabotage or undermining of an employee's work performance; or**
- 49 **(iv) an attempt to exploit an employee's known psychological or physical**
vulnerability.
- 50 **(2) "Abusive workplace" means a workplace in which a person acts with malice**
to

The motion passed with Rep. Kiser voting in opposition and Rep. Biskupski, Rep. Morley, and Rep. Webb absent for the vote.

MOTION: Rep. Last moved to hold H.B. 292. The motion passed unanimously with Rep. Biskupski, Rep. Morley, and Rep. Webb absent for the vote.

MOTION: Rep. Duckworth moved to adjourn. The motion passed unanimously with Rep. Biskupski, Rep. Morley, and Rep. Webb absent for the vote.

Rep. Dunnigan adjourned the meeting at 6:37 p.m.

Rep. James Dunnigan, Chair