MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 450, State Capitol, Utah State Capitol Complex
March 2, 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 4:27 p.m.


MOTION:  Rep. Froerer moved to amend H.B. 289 as follows:

1.  Page 2, Line 28:
    28  AMENDS:
    .  58-1-301.5, as last amended by Laws of Utah 2010, Chapter 372

2.  Page 2, Line 40:
    40  Be it enacted by the Legislature of the state of Utah:
    .  Section 1.  Section 58-1-301.5 is amended to read:
      58-1-301.5.  Division access to Bureau of Criminal Identification records.
      (1) The division shall have direct access to criminal background information
maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of licensure applicants as required in:

(a) Section 58-17b-307 of Title 58, Chapter 17b, Pharmacy Practice Act;
(b) Section 58-31b-302 of Title 58, Chapter 31b, Nurse Practice Act;
(c) Section 58-47b-302 of Title 58, Chapter 47b, Massage Therapy Practice Act;
(d) Section 58-55-302 of Title 58, Chapter 55, Utah Construction Trades Licensing Act, as it applies to alarm companies and alarm company agents;
(e) Section 58-63-302 of Title 58, Chapter 63, Security Personnel Licensing Act;
(f) Section 58-64-302 of Title 58, Chapter 64, Deception Detection Examiners Licensing Act;

\{\textit{and}\} \textit{and}

(g) Section 58-61-702, of Title 58, Chapter 61, Part 7, Prescriptive Authority for Licensed Psychologists.

(2) The division access under Subsection (1) shall be:
(a) in accordance with Section 53-10-108; and
(b) to all convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, all dismissed charges, and charges without a known disposition.

\textbf{Renumber Remaining Sections accordingly}

3. Page 4, Lines 103 through 104:
(\textit{d}) completes a criminal background check \textit{under the provisions of Section 58-1-301.5} and is free from criminal convictions \textit{\{\textit{as}\ required by Subsections (3) and (4)\}} \textit{\{\textit{\textbf{and} the\}\}}

4. Page 5, Lines 127 through 141:
\{(\textit{3}) \textbf{To determine if an applicant meets the qualifications of Subsection (1)(c) or (d), the} \textit{division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:} \textit{\{\textit{a}\} conduct a search of records of the Department of Public Safety for criminal history} \textit{\{\textit{\textbf{and} information relating to each applicant for certification under this part; and}\}}
(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the FBI for criminal history information under this section:

(4) The Department of Public Safety shall send to the division:

(a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and

(b) the results of the FBI review concerning an applicant in a timely manner after receipt of information from the FBI.

(5) The division shall charge each applicant a fee, in accordance with Section 5.

Information obtained by the division from the reviews of criminal history records of


Rep. Newbold distributed a handout and explained the bill to the committee assisted by Morgan Sammons, Utah Psychological Association, Elaine LeVine, PhD, New Mexico licensed psychologist, and Dr. Kirk Dansie, Utah licensed psychologist.

The following individuals spoke against the bill:

Howard Weeks, M.D. Psychiatrist
Sherri Wittwer National Association of Mental Illness Utah
Louis Moench, M.D. Psychiatrist
Jennifer Brinton, M.D. Pediatrician, UAAP
Ellois Bailey, R.N. American Psychiatric Nurses Association
Grace Forsythe, R.N. Psych APRN Council
Michelle McOmber Utah Medical Association (handout)
Lindsay Malechek, M.D.    Utah Academy of Family Physicians

MOTION:    Rep. Last moved to continue to the next item on the agenda.


The original motion passed unanimously with Rep. Brown absent for the vote.

H.B. 482    Long-term Care Facility - Medicaid Certification for Bed Capacity Amendments (Rep. E. Hutchings)


Rep. Hutchings explained the bill to the committee.


H.B. 158    Coordination Between State and Local Government on Federal Regulations (Rep. C. Herrod)

Rep. Herrod explained the bill to the committee.

MOTION:    Rep. Bird moved to amend H.B. 158 as follows:

1.    Page 2, Lines 33 through 34:
       33 (2) "Federal agency" means the ;
       34 (a) United States Environmental Protection Agency;

2.    Page 2, Line 38:
       38 [(2)] (3) "Office" means the Public Lands and Policy Coordinating Office

3.    Page 2, Line 48:
       48 (1) There is created within state government the Public Lands and Policy
4. Page 4, Line 103:

103 [(f) (h)] maintain information concerning grants made under Subsection (1)(4a) (4b) , if


H.B. 496 Technology and Life Science Economic Development Act (Rep. D. Clark)


Rep. Clark distributed a handout and explained the bill to the committee. Kelvyn Cullimore, Dynatronics, Corp., Jason Dunn, IM Flash, and Brice Arave, IM Flash, spoke in favor of the bill.


H.B. 260 Mechanics' Liens Revisions (Rep. D. Clark)


MOTION: Rep. Ipson moved to amend 1st Substitute H.B. 260 as follows:

1. Page 2, Line 45:

45 {38-9-2, as last amended by Laws of Utah 2008, Chapters 3 and 223}
2. Page 3, Lines 75 through 79:

75 agent as prescribed by Section 38-1-32.5, except that this section does not apply to a person performing labor for wages; or

76 (a) if a notice of commencement is not filed as prescribed in Section 38-1-31.5 for the project or improvement for which labor, service, equipment, or material is furnished.

3. Page 5, Line 119:

119 (b) Notwithstanding the time a lien relates back to and takes effect as of under Subsection (2), a recorded mortgage or trust deed on the project property to secure a construction

4. Page 6, Lines 169 through 173:

169 (c) provide a central repository for notices of commencement, preliminary notices, and notices of completion for all privately owned construction projects as well as in the state; and for all state and local government projects throughout Utah in the state. All notices filed with the database under Section 38-1-30.5, 38-1-31.5, 38-1-32, 38-1-32.5, 38-1-33, or 38-1-40.

5. Page 6, Line 176 through Page 7, Line 181:

176 (i) the filing and reviewing of notices of commencement on a government project; preliminary notices; notices of intent to file notice of final completion; notices for remaining amounts due to complete the contract; and notices described in Subsection (2)(c).

6. Page 8, Lines 223 through 231:
223  (i)  
224      (ii)  a notice of commencement on a government project;
225      (iii) a preliminary notice;
226      (iv)  a notice of intent to file notice of final completion;
227      (v)   a notice for remaining amounts due to complete the contract;
228      (vi)  a request for notice;  
229      (vii) providing a required notice by an alternate     method of delivery;  
230      (viii) a duplicate receipt of a filing; and
231      (ix)   account setup for a person who wishes to be billed periodically for filings with the

7.  Page 18, Lines 531 through 535:
531      (d)  A preliminary notice filed for labor, service, equipment, or material furnished to
532      real property for a private project under an original contract is not valid for labor, service,
533      equipment, or material furnished to the same real property for another private project under a
534      separate original contract.
535      (e)  A preliminary notice for a private project shall include:

8.  Page 18, Line 545:
545      (f)   A preliminary notice that is timely filed with the database with respect to a private

9.  Page 18, Line 548:
548      (g)   If a preliminary notice filed with the database includes the tax parcel identification

10. Page 19, Line 556:
556      (h)   A preliminary notice for a private project shall include:

11. Page 25, Lines 743 through 756:
Section 13. Section 38-9-2 is amended to read:

38-9-2. Scope:

(1) (a) The provisions of Sections 38-9-1, 38-9-3, 38-9-4, and 38-9-6 apply to any recording or filing or any rejected recording or filing of a lien pursuant to this chapter on or after May 5, 1997.

(b) The provisions of Sections 38-9-1 and 38-9-7 apply to all liens of record regardless of the date the lien was recorded or filed:

(c) Notwithstanding Subsections (1)(a) and (b), the provisions of this chapter applicable to the filing of a notice of interest do not apply to a notice of interest filed before May 5, 2008.

(2) The provisions of this chapter shall not prevent a person from filing a lis pendens in accordance with Section 78B-6-1303 or seeking any other relief permitted by law.

((3) This chapter does not apply to a person entitled to a lien under Section 38-1-3 who files a lien pursuant to Title 38, Chapter 1, Mechanics' Liens. )


Rep. Clark explained the bill to the committee. Rich Thorn, Associated General Contractors, spoke to the bill. The following individuals spoke in favor of the bill:

- Tom Hatch  Utah Land Title Association
- Matt Sager  First American Title
- Taz Biesinger  Utah Homebuilders Association
- Howard Headlee  Utah Bankers Association

The following individuals spoke against the bill:

- Rob Campbell  Wheeler Construction
- Darrel Bostwick  ABC Chapter Counsel
- Scott Barrett  Staker and Sorensen Companies

**MOTION:** Rep. Bird moved to return 1st Substitute H.B. 260 to rules for interim study.

H.B. 430 Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments (Rep. H. Richardson)

MOTION: Rep. Biskupski moved to amend H.B. 430 as follows:

1. Page 9, Lines 256 through 259:
   256 (a) the person has completed an eyelash extension application training and certification
   257 program; and
   258 (b) the practice of eyelash extension application defined by Section 58-11-102, is the only activity in which the person
   259 is engaged without a license.


Rep. Richardson explained the bill to the committee assisted by Brian Greene, attorney for the eyelash industry.

The following individuals spoke in favor of the bill:

Amelia Meneses Eyelash Industry
Tiffany Durfee Eyelash Industry
Laura Mitchell Eyelash Industry

The following individuals spoke against the bill:

Brenda Scharman Utah Beauty School Association
Wendy Merrill Utah Beauty Schools
Natalie Parkin Skinworks

H.B. 304  Campaign Finance Revisions  (Rep. G. Hughes)

Rep. Hughes explained the bill to the committee.


H.B. 370  Bail Bond Amendments  (Rep. G. Hughes)

MOTION:  Rep. Ipson moved to amend H.B. 370 as follows:

1. Page 1, Line 17:
   17  • provides that bail will be exonerated in specified cases, including where the court has not scheduled any

2. Page 2, Lines 51 through 52:
   51 (4)  A person who is applying for licensure under this chapter for the first time shall
   52 have completed a training program of not less than four hours that is approved by the
   53 board and

3. Page 3, Line 71:
   71 to and including the surrender of the defendant for sentencing

4. Page 3, Lines 73 through 75:
   73 appear up to the sentencing when required is a breach of the conditions of
   74 the undertaking or bail and subjects it to forfeiture, irrespective of whether or not notice of
   75 appearance was given to the sureties upon sentencing, and bond shall be exonerated

5. Page 3, Lines 84 through 85:
undertaking { during all proceedings and for all court appearances required of the defendant up to and including the next execution of sentence imposed under Subsection 77-20-7(1) until the next court hearing. Upon appearance of the defendant, the bond shall be exonerated without motion. }

6. Page 4, Lines 110 through 112:

(d) ensure that the name, address, and telephone number of the surety or its agent as listed on the bond is stated on the bench warrant.  

mail notice of the failure to appear to the bail producer's agent if the surety is


Rep. Hughes explained the bill to the committee.  Suzette Green-Wright, Utah Insurance Department spoke in favor of the bill.


H.B. 113 Deferred Deposit Lending Amendments  (Rep. B. Daw)

Rep. Daw explained the bill to the committee assisted by David Young, a businessman from Utah County.  Wendy Gibson, Check City, spoke against the bill.  Linda Hilton, Coalition of Religious Communities, spoke in favor of the bill.


Rep. Dunnigan adjourned the meeting at 8:55 p.m.
Rep. James Dunnigan, Chair