

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 445, State Capitol
February 21, 2014**

Members Present: Rep. Jim Dunnigan, Chair
Rep. Dixon Pitcher, Vice Chair
Rep. Jake Anderegg
Rep. Jim Bird
Rep. Jon Cox
Rep. Gage Froerer
Rep. Dana Layton
Rep. Mike McKell
Rep. Jeremy Peterson
Rep. Marc Roberts
Rep. Jon Stanard
Rep. Mark Wheatley
Rep. Larry Wiley

Members Absent: Rep. Johnny Anderson
Rep. Susan Duckworth
Rep. Brad Wilson

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

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

Vice Chair Pitcher called the meeting to order at 8:12 a.m.

MOTION: Rep. Peterson moved to approve the minutes of the February 14, 2014 and February 19, 2014 meetings. The motion passed unanimously with Rep. Anderegg, Rep. Bird, Rep. Froerer, and Rep. Layton absent for the vote.

S.B. 130 Trust Deed Foreclosure Amendments (*Sen. W. Harper*)

MOTION: Rep. Roberts moved to amend S.B. 130 as follows:

1. *Page 6, Line 154*
Senate Committee Amendments
2-5-2014:

154 fide purchaser.

(14) Subsection (13) does not affect:
(a) a beneficiary's or a servicer's liability under applicable law; or

(b) a default trustor's right to pursue other available remedies, including money damages, against a beneficiary or a servicer.

The motion passed unanimously with Rep. Anderegg, Rep. Froerer, and Rep. Layton absent for the vote.

Sen. Harper explained the bill to the committee.

MOTION: Rep. McKell moved to pass out favorably S.B. 130. The motion passed unanimously with Rep. Anderegg, Rep. Froerer, and Rep. Layton absent for the vote.

1st Sub. H.B. 117 Patent Infringement Amendments (Rep. M. McKell)

MOTION: Rep. McKell moved to amend 1st Sub. H.B. 117 as follows:

1. Page 3, Lines 63 through 66:

- 63 (b) ~~{Prior to sending the demand letter, the person fails to conduct an~~
64 ~~analysis~~
65 ~~comparing the claims in the patent to the target's products, services, and technology,~~
66 ~~or an~~
~~analysis was done but does not identify specific areas in which the products, services,~~
~~and~~
~~technology are covered by the claims in the patent.}~~ By presenting a demand
letter to the target a person is certifying that to the best of the person's knowledge,
information, and belief, formed after an inquiry reasonable under the circumstances:
(i) the demand letter is not being presented for any improper purpose, such as to
harass or to cause unnecessary delay or needless increase in the cost of settlement or
litigation;
(ii) the claims, defenses, and other legal contentions are warranted by existing
law or by a nonfrivolous argument for the extension, modification, or reversal of
existing law or the establishment of new law; and
(iii) the allegations and other factual contentions have evidentiary support or, if
specifically identified, are likely to have evidentiary support after a reasonable
opportunity for further investigation or discovery.

2. Page 4, Lines 88 through 100:

- 88 (c) The person engages in a good faith effort to establish that the target has infringed

- 89 the patent and to negotiate an appropriate remedy.
- 90 ~~{ (d) The person makes a substantial investment in the use of the patent or in~~
91 ~~the~~
92 ~~production or sale of a product or item covered by the patent.~~
- 93 ~~— (e) The person is:~~
94 ~~— (i) the inventor or joint inventor of the patent or, in the case of a patent filed by~~
95 ~~and~~
96 ~~awarded to an assignee of the original inventor or joint inventor, is the original~~
97 ~~assignee; or~~
98 ~~— (ii) an institution of higher education or a technology transfer organization~~
99 ~~owned or~~
100 ~~affiliated with an institution of higher education.~~
- 97 ~~— (f) The person has:~~
98 ~~— (i) demonstrated good faith business practices in previous efforts to enforce the~~
99 ~~patent,~~
100 ~~or a substantially similar patent; or~~
100 ~~— (ii) successfully enforced the patent, or a substantially similar patent, through~~
100 ~~litigation. }~~

The motion passed unanimously with Rep. Anderegg, Rep. Froerer, and Rep. Layton absent for the vote.

Rep. McKell explained the bill to the committee.

Spoke to the bill: Charles Roberts, patent attorney
 Joe Pia, Pia Anderson Dorius Reynard & Moss

Spoke for the bill: Stan Lockhart, Micron Technology

MOTION: Rep. Stanard moved to pass out favorably 1st Sub. H. B. 117. The motion passed unanimously with Rep. Anderegg and Rep. Wiley absent for the vote.

Chair Dunnigan assumed the chair.

H.B. 350 Removal of Directors of Nonprofit Corporations (Rep. D. Pitcher)

Rep. Pitcher explained the bill to the committee assisted by Ray Kimber, Utah Legislative Action Committee.

Spoke for the bill: Michael Miller, attorney, Utah Community Association Institute
Legislative Action Committee

MOTION: Rep. Wiley moved to pass out favorably H.B. 350. The motion passed unanimously with Rep. Anderegg absent for the vote.

MOTION: Rep. Peterson moved to place H.B. 350 on the Consent Calendar. The motion passed unanimously with Rep. Anderegg absent for the vote.

Vice Chair Pitcher resumed the chair.

H.B. 347 Insurance Coverage for Infertility Treatment (Rep. L. Christensen)

Rep. Christensen explained the bill assisted by Tiffany Alleman, advocate for infertility insurance coverage, and Cathy Dupont, Office of Legislative Research and General Counsel.

MOTION: Rep. Stanard moved to amend H.B. 347 as follows:

1. Page 2, Line 55:

55 terms ~~{agreed to}~~ designated by the insurer ~~{and the enrollee}~~ .

2. Page 4, Line 106:

106 (b) have a lifetime maximum benefit of not less than \$ ~~{50,000}~~ 25,000 ;
and

The motion passed unanimously with Rep. Anderegg absent for the vote.

Spoke to the bill: Kelly Atkinson, Utah Health Insurance Association

MOTION: Rep. Wiley moved to amend H.B. 347 as follows:

1. Page 3, Lines 85 through 89:

85 (c) "Patient" means a woman who ~~{~~

86 ~~(i) is married;~~

87 ~~(ii)}~~ is the policyholder or the spouse of the policyholder ~~{~~

88 ~~(iii) is at least 21 years old but less than 44 years old; and~~

89 ~~(iv)}~~ and has been covered by the infertility treatment limited benefit plan for
at least 12

2. *Page 4, Lines 110 through 113:*

110 (ii) limit embryos transferred per in vitro cycle to:

111 (A) one embryo for a patient who is {~~at least 21 years old but~~} less than 34
years old; and

112 (B) two embryos per cycle for a patient who is at least 34 years old but less than 44

113 years old.

SUBSTITUTE MOTION: Rep. Bird moved to pass out favorably H.B. 347. The motion passed with Rep. McKell, Rep. Wheatley, and Rep. Wiley voting in opposition.

MOTION: Rep. Anderegg moved to adjourn. The motion passed unanimously.

Vice Chair Pitcher adjourned the meeting at 9:51 a.m.

Rep. James Dunnigan, Chair