

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 445, State Capitol
February 29, 2016**

Members Present: Rep. Val L. Peterson, Chair
Rep. John Knotwell, Vice Chair
Rep. Jacob L. Anderegg
Rep. Susan Duckworth
Rep. James A. Dunnigan
Rep. Gage Froerer
Rep. Brad King
Rep. Derrin Owens
Rep. Dixon M. Pitcher
Rep. Marc K. Roberts
Rep. Mike Schultz
Rep. Jon E. Stanard
Rep. R. Curt Webb
Rep. Brad R. Wilson

Staff Present: Mr. Joseph T. Wade, Policy Analyst
Ms. Rosemary Young, Committee Secretary

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

Vice Chair Knotwell called the meeting to order at 4:21 p.m.

MOTION: Rep. Stanard moved to approve the minutes of the February 25, 2016 meeting. The motion passed unanimously with Rep. Anderegg, Rep. Froerer, Rep. Pitcher, Rep. Schultz, Rep. Wilson, and Rep. Peterson absent for the vote.

S.B. 129 Driving Privilege Card Amendments (*Sen. C. Bramble*)

Sen. Bramble explained the bill.

MOTION: Rep. Stanard moved to pass S.B. 129 out favorably. The motion passed unanimously with Rep. Anderegg, Rep. Pitcher, Rep. Schultz, Rep. Wilson, and Rep. Peterson absent for the vote.

MOTION: Rep. Duckworth moved to place S.B. 129 on the Consent Calendar. The motion passed unanimously with Rep. Anderegg, Rep. Pitcher, Rep. Schultz, Rep. Wilson, and Rep. Peterson absent for the vote.

1st Sub. S.B. 108 Birthing Center Amendments (*Sen. D. Henderson*)

Sen. Henderson distributed a handout, "Utah Academy of Family Physicians" and explained the bill assisted by Suzanne Smith, Better Birth, LLC.

MOTION: Rep. Roberts moved to pass 1st Sub. S.B. 108 out favorably. The motion passed unanimously with Rep. Wilson absent for the vote.

S.B. 126 Committee Authority Amendments (*Sen. D. Henderson*)

Sen. Henderson distributed a handout, "Memorandum, Attorney-Client Privileged" and explained the bill to the committee.

MOTION: Rep. Peterson moved to amend S.B. 126 as follows:

1. Page 2, Line 55 through Page 3, Line 57:

55 reached, the department has final authority to adopt, amend, or rescind rules necessary to
carry

56 out the provisions of this title. =

(c) When the provisions of this title require concurrence between the department and a committee created under this title:

(i) the department shall report to and update the committee on a regular basis related to matters requiring concurrence; and

(ii) the committee shall review the report submitted by the department under this Subsection (1)(c) and shall:

(A) concur with the report; or

(B) provide a reason for not concurring with the report and provide an alternative recommendation to the department.

57 (2) Rules shall have the force and effect of law and may deal with matters which

The motion passed unanimously with Rep. Roberts and Rep. Wilson absent for the vote.

MOTION: Rep. Schultz moved to pass S.B. 126 out favorably. The motion passed unanimously with Rep. Anderegg and Rep. Wilson absent for the vote.

1st Sub. H.B. 437 Health Care Revisions (Rep. J. Dunnigan)

Rep. Dunnigan distributed two handouts, "Who supports H.B. 437" and "H.B. 437: Health Improvement Initiative" and explained the bill assisted by Cathy Dupont, Office of Legislative Research and General Counsel. The following individuals spoke in support of the bill as part of the presentation:

Pamela Atkinson	Community Advocate
Keith McMullin	Salt Lake Chamber, Deseret Management
Bill Tibbitts	Crossroads Urban Center
David Litvak	Salt Lake City Mayor's Office
Tim Whalen	Salt Lake County Mayor's Office
Nate Checketts	Utah Department of Health

Members of the public who spoke for the bill:

Greg Bell	Utah Hospital Association
David Patton	Molina Healthcare
Stan Rasmussen	Sutherland Institute
Kimal James	Ogden First United Methodist Church
Tom Metcalf	pediatrician

Spoke against the bill: Chase Thomas Alliance for a Better Utah

MOTION: Rep. Webb moved to replace 1st Sub. H.B. 437 with 2nd Sub. H.B. 437. The motion passed unanimously with Rep. Anderegg absent for the vote.

MOTION: Rep. Pitcher moved to pass 2nd Sub. H.B. 437 out favorably. The motion passed with Rep. King, Rep. Roberts, Rep. Stanard, and Rep. Knotwell voting in opposition and Rep. Anderegg absent for the vote.

H.B. 402 Real Estate Amendments (Rep. G. Froerer)

Rep. Froerer explained the bill assisted by Jonny Stewart, Division of Real Estate.

MOTION: Rep. Duckworth moved to pass H.B. 402 out favorably. The motion passed unanimously with Rep. Wilson absent for the vote.

MOTION: Rep. Webb moved to place H.B. 402 on the Consent Calendar. The motion passed unanimously with Rep. Wilson absent for the vote.

H.B. 421 Insurance Changes (Rep. J. Dunnigan)

Rep. Dunnigan explained the bill.

Spoke for the bill: Ted Lewis American Council of Life Insurers
 Rob Jolley United Services Automobile Association

MOTION: Rep. Froerer moved to pass H.B. 421 out favorably. The motion passed unanimously with Rep. Wilson absent for the vote.

MOTION: Rep. Froerer moved to place H.B. 421 on the Consent Calendar. The motion passed unanimously with Rep. Wilson absent for the vote.

H.B. 386 Nursing Care Facility Amendments (Rep. F. Gibson)

Rep. Gibson explained the bill assisted by Dirk Anjewierden, Utah Health Care Association.

MOTION: Rep. Anderegg moved to amend H.B. 386 as follows:

1. Page 2, Line 32:

32 {None} **This bill has a special effective date.**

2. Page 10, Lines 295 through 298:

295 within three years; **and**

296 ~~{(B) once transferred under Subsection (2)(b)(iv)(A), the licenses are not transferred or~~

297 ~~sold again under the provisions of this Subsection (2)(b)(iv); and~~

298 ~~—(C)}~~ **(B)** the nursing care facility program notifies the director of the transfer

or sale in

3. *Page 12, Line 368:*

368 ~~{(iii)}~~ (C) a small health care facility that is hospital based; ~~{+}~~ **or** ~~{+}~~

4. *Page 13, Lines 370 through 377:*

370 with no more than 16 beds ~~[or less:]~~ . ~~{or}~~

371 ~~—(E) a small health care facility with four to 16 beds that functions as a skilled nursing~~

372 ~~facility, is located on the same campus as an ambulatory surgical facility, as defined by the~~

373 ~~department by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah~~

374 ~~Administrative Rulemaking Act, serves only individuals leaving the care of the ambulatory~~

375 ~~surgical facility, allows patients to stay at the small health care facility for no more than 10~~

376 ~~days, and is the only small health care facility with four to 16 beds that functions as a skilled~~

377 ~~nursing facility on the campus of the ambulatory surgical facility.}~~

5. *Page 13, Line 392:*

392 (b) the facility's nursing care facility program has received or will receive approval for Medicaid certification under

6. *Page 15, Lines 445 through 446:*

445 (6) Subsection (2) does not apply to a nursing care facility that :

(a) {+} has {+} , by the effective date of this act, submitted to the department schematic drawings, and paid applicable fees, for a particular site or a site within a three mile radius of that site; {+}

446 ~~{(a)}~~ (b) before July 1, 2016:

7. *Page 15, Lines 451 through 458:*

451 for the facility;

452 ~~{(b)}~~ (c) applies for a license within three years of closing for renovation;

453 ~~{(c)}~~ (d) replaces a nursing care facility that:

454 (i) closed within the past three years; or

455 (ii) is located within five miles of the facility;

456 ~~{(d)}~~ (e) is undergoing a change of ownership, even if a government entity

designates the
457 facility as a new nursing care facility; or
458 ~~{(e)}~~ (f) is a state-owned veterans home, regardless of who operates the
home.

8. *Page 17, Line 508:*

508 Procedures Act. =

Section 7. Effective Date.

If approved by two-thirds of all members elected to each house, this bill takes effect upon the approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

The motion passed unanimously with Rep. Roberts and Rep. Wilson absent for the vote.

MOTION: Rep. Anderegg moved to pass H.B. 386 out favorably. The motion passed unanimously with Rep. Wilson absent for the vote.

MOTION: Rep. Anderegg moved to place H.B. 386 on the Consent Calendar. The motion failed with Rep. Webb voting in opposition.

H.B. 387 Utah Revised Business Corporate Act Amendments (*Rep. R. Cunningham*)

This bill was not heard.

MOTION: Rep. King moved to adjourn. The motion passed unanimously with Rep. Wilson absent for the vote.

Vice Chair Knotwell adjourned the meeting at 6:14 p.m.