

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

Room 405 State Capitol

January 23, 2004

Members Present: Rep. Katherine M. Bryson, Chair
Rep. Mike Morley, Vice Chair
Rep. J. Stuart Adams
Rep. Jackie Biskupski
Rep. Craig W. Buttars
Rep. David Clark
Rep. Stephen D. Clark
Rep. Carl W. Duckworth
Rep. Jim Dunnigan
Rep. Ben C. Ferry
Rep. Neil A Hansen
Rep. Todd E. Kiser
Rep. R. Curt Webb

Staff Present: Mark Steinagel, Policy Analyst
Patricia Owens, Associate General Counsel
Linda Error, Committee Secretary

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

Rep. Bryson called the meeting to order at 8:10 a.m.

MOTION: Rep. Hansen moved to approve the minutes of the January 21, 2004 meeting. The motion passed unanimously, with Rep. Buttars, Rep. S. Clark, and Rep. Webb absent for the vote.

H.B. 187 Viatical Settlement Act (Rep. J. Dunnigan)

MOTION: Rep. Dunnigan moved to amend the bill as follows:

1. *Page 2, Lines 37 through 43:*

37 (b) If an applicant complies with Subsection (2)(a), the commissioner shall
investigate

38 the applicant and issue a license if the commissioner finds that the applicant:

- 39 (i) is competent ~~[[-]]~~ to engage in the business of providing viatical
settlements by experience, training, or education; and
40 (ii) is trustworthy ~~[[-, and intends to act in good faith as a provider of viatical~~
41 ~~settlements;~~
42 ~~(ii) has a good business reputation; and~~
43 ~~(iii) has had experience, training, or education so as to be qualified as a~~
~~provider of~~
~~viatical settlements.]]~~ in that the applicant or any officer, partner, member, or
key management employee of the applicant:
(A) has not engaged in an act or practice specified in Subsections (3)(a) through
(e); or
(B) has not been subject to a regulatory action by another state or federal
jurisdiction.

Rep. Dunnigan explained the bill, assisted by Mickey Braun, Assistant Commissioner, Utah State Insurance Department.

The motion to amend passed unanimously, with Rep. Butters absent for the vote.

MOTION: Rep. Ferry moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. D. Clark absent for the vote.

1st. Sub. H.B. 195 Consumer Protection Amendments (Rep. S. Allen)

MOTION: Rep. Adams moved to amend the bill as follows:

- Pages 6-7, Lines 178-182: Delete lines 178-182 and insert:
"(s) solicits or enters into a consumer transaction with a person
who lacks the mental ability to comprehend the nature and
consequences of:
(i) the consumer transaction; or
(ii) the person's ability to benefit from the consumer transaction."

The motion to amend passed unanimously, with Rep. D. Clark absent for the vote.

MOTION: Rep. Hansen moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. D. Clark absent for the vote.

H.B. 209 Licensing of Plumbing and Electrical Trades (*Rep. S. Clark*)

Rep. S. Clark explained the bill, assisted by Ray Walker, Compliance Officer, Division of Occupational and Professional Licensing.

MOTION: Rep. Buttars moved to pass the bill out favorably. The motion passed unanimously, with Rep. Biskupski absent for the vote.

H.B. 192 Repeal of Thrifts Settlement Financing Provisions (*Rep. G. Curtis*)

Rep. Curtis explained the bill.

Spoke for the bill: Edward Leary, Commissioner, Department of Financial Institutions

MOTION: Rep. Ferry moved to pass the bill out favorably. The motion passed unanimously, with Rep. S. Clark absent for the vote.

MOTION: Rep. Hansen moved that **H.B. 192** be placed on the consent calendar. The motion passed unanimously, with Rep. S. Clark absent for the vote.

MOTION: Rep. Biskupski moved to adjourn the meeting. The motion passed unanimously, with Rep. S. Clark absent for the vote.

Rep. Bryson adjourned the meeting at 8:40 a.m.

Rep. Katherine Bryson, Chair