

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
MONDAY, FEBRUARY 14, 2005, 8:00 A.M.
ROOM W015, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Scott K. Jenkins, Chair
Sen. Gene Davis
Sen. Thomas V. Hatch
Sen. Parley G. Hellewell
Sen. John W. Hickman
Sen. Sheldon L. Killpack
Sen. L. Alma Mansell
Sen. Ed Mayne
Sen. Michael Waddoups

Staff Present: Mark Steinagel, Policy Analyst
Karen Allred, Committee Secretary

Public Speakers Present: Dale Zabriskie, Utah Veterinary Medical Association and Utah Association of CPA's
John E. Braun Jr., Assistant Commissioner, Utah Insurance Department
Betsy Jerome, Consumer Analyst, Utah Insurance Department
Kent Jorgensen, Ogden City Council
Spencer Hadley, Office of the Lt. Governor, Notary and Authentication
Joseph C. Rust, Attorney
Douglas Foxley, Attorney, Union Pacific Railroad
Fran Fish, Office of the Lt. Governor, Notary and Authentication

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Scott K. Jenkins called the meeting to order at 8:05 a.m.

MOTION: Sen. Hellewell moved to approve the minutes of February 10, 2005.

The motion passed unanimously with Sen. Hatch, Sen. Hickman, Sen. Mansell, Sen. Waddoups and Sen. Davis absent for the vote.

1. H.B. 71 Licensing of Estheticians and Nail Technicians (J. Fisher)

Rep. Fisher explained the bill.

MOTION: Sen. Mayne moved to pass the bill out favorably.

The motion passed unanimously with Sen. Hatch, Sen. Mansell and Sen. Davis absent for the vote.

2. H.B. 13 Occupational and Professional Licensing Sunset Amendment (R. Lockhart)

Rep. Lockhart explained the bill.

Dale Zabriskie, Utah Veterinary Medical Association and Utah Association of CPA's, spoke in support of the bill.

MOTION: Sen. Mayne moved to pass the bill out favorably.

The motion passed unanimously with Sen. Hatch, Sen. Hickman, Sen. Mansell and Sen Davis absent for the vote.

3. H.B. 191 Captive Insurance Law Amendments (J. Dunnigan)

Rep. Dunnigan explained the bill.

MOTION: Sen. Waddoups moved to pass the bill out favorably.

The motion passed unanimously with Sen. Davis absent for the vote.

4. H.B. 201 Life Insurance and Annuities Law Amendments (J. Dunnigan)

Rep. Dunnigan explained the bill.

John E Braun Jr., Assistant Commissioner, Utah Insurance Department, and Betsy Jerome, Consumer Analyst, Utah Insurance Department, further clarified the bill.

MOTION: Sen. Mayne moved to pass the bill out favorably.

The motion passed unanimously.

5. H.B. 172 Notary Public Amendments (L. Shurtliff)

Rep. Shurtliff explained the bill.

Kent Jorgensen, Ogden City Council; Spencer Hadley, Office of the Lt. Governor, Notary and Authentication; John E. Braun Jr., Assistant Commissioner, Utah Insurance Department; and Fran Fish, Office of the Lt. Governor, Notary and Authentication, spoke in support of the bill.

Joseph C. Rust, Attorney, and Douglas Foxley, Attorney, Union Pacific Railroad, spoke in opposition to the bill.

Sen. Mayne proposed the following amendments:

1. Page 1, Lines 11 through 14:

11 This bill:

12 ▶ beginning July 1, 2005, establishes a requirement of four hours of training for
13 notaries applying for a new commission {~~or renewing a commission as a notary~~
14 ~~public~~} ;

2. Page 3, Lines 70 through 82

House Floor Amendments

1-28-2005:

70 (6) (a) Beginning July 1, 2005, each applicant for a notarial commission ~~H→~~[~~or~~
~~applicant to~~

71 ~~renew a notarial commission~~] ~~←H~~ must complete at least four hours of approved notary
education

72 within the six-month period immediately preceding the application for a commission ~~H→~~
~~[or a~~

73 ~~renewal.]~~

73a {~~— (b) (i) Beginning July 1, 2005 and until July 1, 2009, each applicant for a~~
~~renewal of a notarial~~

73b ~~commission shall complete at least four hours of approved notary education.~~

73c ~~— (ii) After July 1, 2009, an applicant for renewal of a notarial commission is not~~
~~required to~~

73d ~~complete notarial education unless the provisions of Subsection (6)(c) apply. ←H }~~

74 ~~H→~~[~~(b)~~] {~~(c)~~} (b) ~~←H~~ Notary education may either be interactive or
classroom instruction. All

74a education

75 programs shall be preapproved by the lieutenant governor with a core curriculum that
includes

76 the duties and responsibilities of the notary office and electronic notarization.

77 ~~H→~~[~~(c)~~] {~~(d)~~} (c) ~~←H~~ An applicant must submit a certificate of
attendance from the preapproved

78 education program with the application for a commission {~~or a renewal~~} .

- 79 ~~Ĥ→[(d)]~~ {~~(e)~~} (d) ←Ĥ (i) The office of the lieutenant governor may, for
good cause, order a
79a commissioned
80 notary to attend a preapproved education program.
81 (ii) For purposes of this section, "good cause" includes an act or omission by the
notary
82 that constitutes a violation of this act.

MOTION: Sen. Mayne moved to adopt the amendments.

Sen. Killpack proposed the following amendments:

1. *Page 1, Lines 11 through 14:*

- 11 This bill:
12 ▶ beginning July 1, 2005, establishes a requirement of four hours of training for
13 notaries applying for a new commission {~~or renewing a commission as a notary~~
14 public} ;

2. *Page 3, Lines 70 through 82*

*House Floor Amendments
1-28-2005:*

- 70 (6) (a) Beginning July 1, 2005, each ~~new~~ applicant for a notarial commission
Ĥ→[or applicant to
71 renew a notarial commission] ←Ĥ must complete {~~at least~~} four hours of approved
notary education
72 within the six-month period immediately preceding the application for a commission Ĥ→
[or a
73 renewal:] {-
73a — (b) (i) Beginning July 1, 2005 and until July 1, 2009, each applicant for a
renewal of a notarial
73b commission shall complete at least four hours of approved notary education.
73c — (ii) After July 1, 2009, an applicant for renewal of a notarial commission is not
required to
73d complete notarial education unless the provisions of Subsection (6)(e) apply. ←Ĥ }

- 74 ~~Ĥ→[(b)]~~ ~~{(c)}~~ (b) ←Ĥ Notary education may either be interactive or
classroom instruction. All
74a education
75 programs shall be preapproved by the lieutenant governor with a core curriculum that
includes
76 the duties and responsibilities of the notary office and electronic notarization.
77 ~~Ĥ→[(c)]~~ ~~{(d)}~~ (c) ←Ĥ An applicant must submit a certificate of
attendance from the preapproved
78 education program with the application for a commission ~~{or a renewal}~~ .
79 ~~Ĥ→[(d)]~~ ~~{(e)}~~ (d) ←Ĥ (i) The office of the lieutenant governor may, for
good cause, order a
79a commissioned
80 notary to attend a preapproved education program.
81 (ii) For purposes of this section, "good cause" includes an act or omission by the
notary
82 that constitutes a violation of this act.

SUBSTITUTE MOTION: Sen. Killpack moved to adopt the amendments.

The motion passed unanimously.

MOTION: Sen. Mayne moved to pass the bill out favorably as amended.

The motion passed unanimously with Sen. Mansell absent for the vote.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously with Sen. Mansell absent for the vote.

The meeting adjourned at 9:15 a.m.