

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

Wednesday, February 8, 2017 • 3:00 p.m. • 215 Senate Building

**Members Present:**

Sen. Curtis S. Bramble, Chair  
Sen. Gene Davis  
Sen. Daniel Hemmert  
Sen. Don L. Ipson  
Sen. Karen Mayne  
Sen. Jerry W. Stevenson  
Sen. Todd Weiler

**Members Absent:**

Sen. Ralph Okerlund

**Staff Present:**

Ms. M'kynzi E. Newbold, Policy Analyst  
Ms. Karen Allred, Committee Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [le.utah.gov](http://le.utah.gov).

Chair Bramble called the meeting to order at 3:11 p.m.

**MOTION:** Sen. Hemmert moved to approve the minutes of February 3, 2017. The motion passed with a vote of 4-0-4.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. D. Ipson  
Sen. R. Okerlund  
Sen. J. Stevenson

**1. H.B. 167 Podiatric Physician Licensing Act Amendments (*Hawkes, T.*)**

Rep. Hawkes explained the bill.

**MOTION:** Sen. Hemmert moved to pass H.B. 167 out favorably. The motion passed with a vote of 4-0-4.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. D. Ipson  
Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Hemmert moved to place H.B. 167 on the Consent Calendar. The motion passed with a vote of 4-0-4.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. D. Ipson  
Sen. R. Okerlund  
Sen. J. Stevenson

Sen. Weiler assumed the chair.

**2. S.J.R. 11 Joint Resolution Urging Congress to Provide the Necessary Funding for Completion of the Central Utah Project (*Bramble, C.*)**

Sen. Bramble explained the bill.

**MOTION:** Chair Bramble moved to pass S.J.R. 11 out favorably. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Mayne moved to place S.J.R. 11 on the Consent Calendar. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. R. Okerlund  
Sen. J. Stevenson

Sen. Bramble resumed the chair.

**3. S.B. 166 Occupational and Professional Licensing Amendments (*Henderson, D.*)**

Sen. Henderson explained the bill.

**MOTION:** Sen. Hemmert moved to pass S.B. 166 out favorably. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Ipson moved to place S.B. 166 on the Consent Calendar. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis  
Sen. R. Okerlund  
Sen. J. Stevenson

**4. S.B. 172 Barber Licensing Restriction Changes (*Weiler, T.*)**

Sen. Weiler explained the bill.

Anita Egbert, massage therapist, spoke in opposition to the bill.

Mark Steinagel, Division of Occupational & Professional Licensing, spoke in favor of the bill.

Alan Dayton, citizen, spoke in favor of the bill.

Susan DeLegge, decongestive therapist and massage therapist, spoke in opposition to the bill.

Spencer F. Stokes spoke in favor of the bill.

Ron Findlay, massage therapist, spoke in opposition to the bill.

**MOTION:** Sen. Weiler moved to amend S.B. 172 with a verbal amendment.

**MOTION:** Sen. Weiler moved to withdraw the previous motion.

**MOTION:** Sen. Hemmert moved to pass S.B. 172 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

**5. S.B. 74 Medical Interpreter Amendments (*Escamilla (Robles), L.*)**

Sen. Escamilla explained the bill.

**MOTION:** Sen. Davis moved to replace S.B. 74 with 2nd Substitute S.B. 74. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

Alan Dayton, lobbyist, spoke in favor of the bill.

Sabrina Morales spoke in favor of the bill.

**MOTION:** Sen. Ipson moved to pass 2nd Substitute S.B. 74 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

**6. S.B. 155 Alcohol Beverage Control Budget Amendments (*Mayne, K.*)**

Sen. Mayne explained the bill.

Todd Losser, Executive Director, Utah Public Employees Association, spoke in favor of the bill.

**MOTION:** Sen. Davis moved to pass S.B. 155 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Davis moved to place S.B. 155 on the Consent Calendar. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. K. Mayne  
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

**7. H.B. 106 Utah Uniform Securities Act Amendments (*Hall, C.*)**

Rep. Hall explained the bill.

William Haynes, Assistant Solicitor General, Office of the Attorney General, spoke in favor of the bill.

**MOTION:** Sen. Ipson moved to pass H.B. 106 out favorably. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Ipson moved to place H.B. 106 on the Consent Calendar. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

**8. H.B. 182 Labeling Requirements for Types of Retail Goods (*Edwards, R.*)**

Rep. Edwards explained the bill.

**MOTION:** Sen. Davis moved to pass H.B. 182 out favorably. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Davis moved to place H.B. 182 on the Consent Calendar. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

**9. 1st Sub. H.B. 196 Division of Real Estate Amendments (Froerer, G.)**

**MOTION:** Sen. Hemmert moved to amend 1st Substitute H.B. 196 with Amendment #2. The motion passed with a vote of 5-0-3.

1. Page 1, Line 19:

19 { ~~→ permits the division to interview a witness;~~ }

2. Page 30, Lines 914 through 924:

914 (2) In conducting investigations, records inspections, and adjudicative proceedings,  
the

915 division may:

916 (a) administer an oath or affirmation;

917 (b) issue a subpoena that requires:

918 (i) the attendance and testimony of a witness; or

919 (ii) the production of evidence;

920 (c) take evidence;  
921 { ~~(d) interview a witness;~~  
922 ~~—+}~~ (d) ~~}{(e)-~~ require the production of a record or information relevant to  
an investigation;  
923 and  
924 { ~~}{-~~ (e) } ~~+{f)-~~ serve a subpoena by certified mail.

3. *Page 36, Lines 1084 through 1100:*

1084 (1) (a) In addition to a power or duty expressly provided in this chapter, the division  
1085 may:  
1086 (i) receive and act on a complaint including:  
1087 (A) taking action designed to obtain voluntary compliance with this chapter,  
including  
1088 the issuance of a cease and desist order if the person against whom the order is issued is  
given  
1089 the right to petition the board for review of the order; or  
1090 (B) commencing an administrative or judicial proceeding on the division's own  
1091 initiative;  
1092 (ii) ~~[investigate]~~ conduct a public or private investigation of an entity required to be  
1093 registered under this chapter, regardless of whether the entity is located in Utah;  
1094 (iii) employ one or more investigators, clerks, or other employees or agents if:  
1095 (A) approved by the executive director; and  
1096 (B) within the budget of the division; { ~~}{-~~ {and} ~~+~~  
1097 (iv) issue a subpoena that requires:  
1098 (A) the attendance and testimony of a witness; or  
1099 (B) the production of evidence { ~~}{-~~ { . ~~+; and~~  
1100 ~~—(v) interview a witness.-}~~

4. *Page 51, Line 1569 through Page 52, Line 1579:*

1569 (3) For the purpose of the investigation described in Subsection (1), the division or  
an  
1570 employee designated by the division may:  
1571 (a) administer an oath or affirmation;  
1572 (b) issue a subpoena that requires:



1573 (i) the attendance and testimony of a witness; or  
1574 (ii) the production of evidence;  
1575 (c) take evidence;  
1576 { ~~(d) interview a witness;~~  
1577 ~~—+}~~ (d) ~~}{(e)}~~ require the production of a book, paper, contract, record, other  
document, or  
1578 information relevant to the investigation; and  
1579 { ~~}{(e)}~~ ~~+}{(f)}~~ serve a subpoena by certified mail.

5. *Page 54, Line 1662 through Page 55, Line 1670:*

1662 (2) (a) The division may:  
1663 (i) administer an oath or affirmation;  
1664 (ii) issue a subpoena that requires:  
1665 (A) the attendance and testimony of a witness; or  
1666 (B) the production of evidence;  
1667 (iii) take evidence; { ~~}{(e)}~~ {and} ~~+}~~  
1668 ~~—(iv) interview a witness; and }~~  
1669 { ~~}{(e)}~~ {(iv)} ~~+}{(v)}~~ require the production of a book, paper, contract, record,  
document,  
1670 information, or evidence relevant to the investigation described in Subsection (1).

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

Sen. Hemmert presented the bill with the assistance of Jonathan Stewart.

Christopher J. Kyler, Utah Realtors Association spoke in favor of the bill.

Jonathan Stewart, Utah Division of Real Estate, spoke in favor of the bill.

**MOTION:** Sen. Davis moved to pass 1st Substitute H.B. 196 out favorably. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Davis moved to adjourn. The motion passed with a vote of 5-0-3.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Nays:

Abs:

Sen. K. Mayne  
Sen. R. Okerlund  
Sen. J. Stevenson

Chair Bramble adjourned the meeting at 4:34 p.m.

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Sen. Curtis S. Bramble, Chair