

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

Thursday, February 9, 2017 • 3:00 pm • 445 State Capitol

**Members Present:**

Rep. James A. Dunnigan, Chair  
Rep. Marc K. Roberts, Vice Chair  
Rep. Susan Duckworth  
Rep. Gage Froerer  
Rep. Adam Gardiner  
Rep. Timothy D. Hawkes  
Rep. John Knotwell  
Rep. Mike K. McKell  
Rep. Jeremy A. Peterson  
Rep. Mike Schultz

Rep. Jon E. Stanard  
Rep. R. Curt Webb  
Rep. Mark A. Wheatley

**Members Absent:**

Rep. Brad R. Wilson

**Staff Present:**

Ms. M'kynzi E. Newbold, Policy Analyst  
Ms. Linda Service, 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).

Vice Chair Roberts called the meeting to order at 3:10 p.m.

**MOTION:** Rep. Gardiner moved to approve the minutes of the February 6, 2017 meeting.  
The motion passed with a vote of 11-0-3.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. J. Knotwell  
Rep. J. Stanard  
Rep. B. Wilson

**1. H.B. 268 Money Management Act Amendments (*Knotwell, J.*)**

Rep. Knotwell explained the bill assisted by Mr. Curt Slaugh, Deputy Treasurer.

**MOTION:** Rep. Duckworth moved to pass H.B. 268 out favorably. The motion passed with a vote of 12-0-2.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. J. Stanard  
Rep. B. Wilson

**MOTION:** Rep. Hawkes moved to place H.B. 268 on the Consent Calendar. The motion passed with a vote of 12-0-2.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. J. Stanard  
Rep. B. Wilson

**2. H.B. 287 Cosmetology Licensing Act Amendments (*Dunnigan, J.*)**

Rep. Dunnigan explained the bill assisted by Ms. Brenda Scharman, Cameo College of Essential Beauty.

Ms. Candace Daly, Utah Beauty School Association, spoke in favor of the bill.

Mr. Connor Boyack, Libertas Institute, spoke in opposition to the bill.

**MOTION:** Rep. Webb moved to pass H.B. 287 out favorably. The motion passed with a vote of 12-0-2.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. G. Froerer  
Rep. B. Wilson

**3. H.B. 281 Construction and Fire Codes Amendments (*Ray, P.*)**

Rep. Ray explained the bill assisted by Mr. Taz Biesinger, Utah Home Builders Association.

Mr. Matt Dias, Assistant City Manager, Park City, Utah, spoke to the bill.

Ms. Michelle Downard, Interim Building Official, Park City, Utah, spoke in opposition to the bill.

Mr. Scott W. Adams, Park City Fire Marshal, spoke in opposition to the bill.

**Mr. Coy Porter, State Fire Marshal, spoke to the bill.**

**MOTION:** Rep. Peterson moved to pass H.B. 281 out favorably. The motion passed with a vote of 13-0-1.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. B. Wilson

**4. H.B. 75 Condominium Act Amendments (*Froerer, G.*)**

Rep. Froerer explained the bill assisted by Mr. John Morris, Utah CAI Legislative Action Committee.

**MOTION:** Rep. Peterson moved to replace H.B. 75 with 1st Substitute H.B. 75. The motion passed with a vote of 12-0-2.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. M. Schultz  
Rep. B. Wilson

**MOTION:** Rep. Peterson moved to pass 1st Substitute H.B. 75 out favorably. The motion passed with a vote of 12-0-2.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. A. Gardiner  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. M. Schultz  
Rep. B. Wilson

**5. 1st Sub. S.B. 30 Insurance Premium Tax Amendments (*Bramble, C.*)**

Sen. Bramble explained the bill.

Mr John Valentine, Chairman, State Tax Commission, spoke in favor of the bill.

Mr. Coy Porter, State Fire Marshal, spoke to the bill.

**MOTION:** Rep. Stanard moved to replace 1st Substitute S.B. 30 with 3rd Substitute S.B. 30.  
The motion passed with a vote of 11-0-3.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. A. Gardiner  
Rep. M. Schultz  
Rep. B. Wilson

**MOTION:** Rep. McKell moved to pass 3rd Substitute S.B. 30 out favorably. The motion passed with a vote of 11-0-3.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. T. Hawkes  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. J. Peterson  
Rep. M. Roberts  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. A. Gardiner  
Rep. M. Schultz  
Rep. B. Wilson

**6. H.B. 128 Health Care Debt Collection Amendments (*Webb, R. C.*)**

Rep. Webb explained the bill.

Mr. David Gessel, Utah Hospital Association, spoke in opposition to the bill.

Mr. John Oakes, IASIS Health Care, spoke in opposition to the bill.

Dr. Bill Hamilton, spoke to the bill.

Mr. Mark Brinton, Utah Medical Association, spoke in opposition to the bill.

Mr. Taz Biesinger, Utah Home Builders Association, spoke in favor of the bill.

Mr. Scott Simpson, Utah Credit Union Association, spoke in favor of the bill.

**MOTION:** Rep. Froerer moved to replace H.B. 128 with 1st Substitute H.B. 128. The motion passed with a vote of 10-0-4.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. A. Gardiner  
Rep. J. Knotwell  
Rep. J. Peterson  
Rep. B. Wilson

**MOTION:** Rep. Schultz moved to pass 1st Substitute H.B. 128 out favorably.

**SUBSTITUTE MOTION:** Rep. Dunnigan moved to amend 1st Substitute H.B. 128 with Amendment #2.

1. Page 4, Lines 116 through 117: 116 (1) { ~~A~~ As used in this section, "health care provider" means a person

117 licensed to provide  
health care services under this chapter.  
The motion passed with a vote of 10-0-4.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. A. Gardiner  
Rep. J. Knotwell  
Rep. J. Peterson  
Rep. B. Wilson

**MOTION:** Rep. Froerer moved to pass 1st Substitute H.B. 128, as amended with Amendment #2, out favorably.

**SUBSTITUTE MOTION:** Rep. Dunnigan moved to amend 1st Substitute H.B. 128, as amended with Amendment #2, with Amendment #1.

1. *Page 1, Lines 15 through 16:*

15            { ~~→ provides a private right of action against a health care provider who~~  
~~fails to comply~~  
16 ~~with the provisions of this bill;~~ }

2. *Page 3, Lines 79 through 87:*

79            { ~~(5) An insured may file an action in district court against a health care~~  
~~provider for a~~  
80 ~~violation of a provision of Subsection (4):~~  
81 ~~——(ii) If the court finds that the health care provider violated a provision of~~  
~~Subsection~~  
82 ~~(4), the court shall award the insured:~~  
83 ~~——(A) actual damages;~~  
84 ~~——(B) costs; and~~

85 ~~—(C) reasonable attorney fees.—~~}

86 [(+)] { ~~—(6)~~ (5) Beginning October 31, 1992, all insurers covering the  
insured shall notify the

87 insured of payment and the amount of payment made to the health care provider.

3. *Page 88, Line 88 through Page 4, Line 88:*

88 [(+)] { ~~—(7)~~ (6) A health care provider shall return to an insured any  
amount the insured

4. *Page 4, Line 95:*

95 [(+)] { ~~—(8)~~ (7) The commissioner shall make rules consistent with this  
chapter governing

The motion failed with a vote of 3-7-4.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. M. Roberts

Nays:

Rep. G. Froerer  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Abs:

Rep. A. Gardiner  
Rep. J. Knotwell  
Rep. J. Peterson  
Rep. B. Wilson

**MOTION:** Rep. Froerer's underlying motion to pass 1st Substitute H.B. 128 out favorably passed with a vote of 7-3-4.

Yeas:

Rep. G. Froerer  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. M. Roberts

Abs:

Rep. A. Gardiner  
Rep. J. Knotwell  
Rep. J. Peterson  
Rep. B. Wilson

**MOTION:** Rep. Duckworth moved to adjourn. The motion passed with a vote of 10-0-4.

Yeas:

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. G. Froerer  
Rep. T. Hawkes  
Rep. M. McKell  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. J. Stanard  
Rep. R. Webb  
Rep. M. Wheatley

Nays:

Abs:

Rep. A. Gardiner  
Rep. J. Knotwell  
Rep. J. Peterson  
Rep. B. Wilson

Chair Dunnigan adjourned the meeting at 5:07 p.m.

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Rep. James A. Dunnigan, Chair