

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

Wednesday, February 22, 2017 • 4:00 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. Todd Weiler

**Members Absent:**

Sen. Ralph Okerlund  
Sen. Jerry W. Stevenson

**Staff Present:**

Mr. Adam Sweet, 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 4:09 p.m.

**MOTION:** Sen. Mayne moved to approve the minutes of February 21, 2017. The motion passed with a vote of 4-0-4.

Yeas:

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

Nays:

Abs:

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

**1. S.B. 250 Food Truck Licensing and Regulation (*Henderson, D.*)**

Sen. Henderson presented the bill with the assistance of Taylor Harris, Owner/General Manager, Food Truck League. A handout, Food Truck Fees was distributed.

Lincoln Shurtz, Utah League of Counties spoke in favor of the bill.

Cameron Diehl, Director of Government Affairs, Utah League of Cities and Towns spoke in favor of the bill.

Troy Wardle, Utah Restaurant Association expressed concerns with the bill.

Adam Terry, owner, Waffle Love spoke in favor of the bill.

Coy Porter, State Fire Marshall spoke in favor of the bill.

Nicholas Watts, owner, Chedda Burger spoke in favor of the bill.

Tim Stay, CEO, The Other Side Academy spoke in favor of the bill.

Kit, Krajieski, Taco Cartel, LLC spoke in favor of the bill.

Clayton Greyhill, Taqueria spoke in favor of the bill.

**MOTION:** Sen. Hemmert moved to pass S.B. 250 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

**2. S.B. 248 Physical Therapy Licensure Compact (*Vickers, E.*)**

Sen. Vickers presented the bill with the assistance of Linda Scholl, Physical Therapist, Utah Physical Therapy Association.

**MOTION:** Sen. Ipson moved to pass S.B. 248 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

**3. S.B. 222 Equitable Allocation of Public Transit District Funding (*Mayne, K.*)**

Sen. Mayne explained the bill.

Robert Jolley, West Valley City spoke in favor of the bill.

**MOTION:** Sen. Davis moved to pass S.B. 222 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

**4. 1st Sub. H.B. 238 Payment of Wages Act Amendments (*Hawkes, T.*)**

Rep. Hawkes explained the bill.

Sen. Davis assumed the chair.

Jacson Maughan, Labor Commission spoke in favor of the bill.

**MOTION:** Sen. Bramble moved to pass 1st Substitute H.B. 238 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. 1st Sub. H.B. 42 Insurance Related Modifications (*Dunnigan, J.*)**

Rep. Dunnigan explained the bill.

**MOTION:** Sen. Bramble moved to amend 1st Substitute H.B. 42 with Amendment #3.

1. Page 2, Line 45:

45           ▶ addresses when an insurer { ~~contracts~~ has a contract with a  
licensee;

2. Page 22, Lines 657 through 659:

657           (3) "ORSA guidance manual" means the current version of the Own Risk and  
Solvency  
658 Assessment Guidance Manual developed and adopted by the National Association of  
Insurance  
659 Commissioners and as amended from time to time.

3. Page 73, Lines 2249 through 2252:

2249           [~~(4)~~] (5) If an insurer { ~~contracts~~ has a contract with or lists a licensee  
in a report submitted under  
2250 Subsection [~~(2)~~] (3), there is a rebuttable presumption that in placing a risk with the  
insurer the  
2251 contracted or appointed licensee or any of the licensee's licensed employees act on behalf  
of the  
2252 insurer.

4. Page 76, Lines 2333 through 2335:

2333           [~~(6)~~] (7) If an agency { ~~contracts~~ has a contract with or designates a  
licensee in reports submitted under  
2334 Subsection (2) or [~~(5)~~] (6), there is a rebuttable presumption that the contracted or  
designated  
2335 licensee acts on behalf of the agency.

5. Page 77, Lines 2353 through 2361:

2353           (1) Subject to the other provisions in this section, a title insurer that { ~~contracts~~  
~~}~~ has a contract with or  
2354 appoints an individual title insurance producer or an agency title insurance producer is  
liable to  
2355 a buyer, seller, borrower, lender, or third party that deposits money with the individual  
title

2356 insurance producer or agency title insurance producer for the receipt and disbursement of  
2357 money deposited with the individual title insurance producer or agency title insurance  
producer  
2358 for a transaction when a commitment for a policy of title insurance of that title insurer is  
2359 ordered, issued, or distributed or a title insurance policy of that title insurer is issued,  
except  
2360 that once a title insurer is named in an issued commitment only that title insurer is liable  
as a  
2361 title insurer under this section.

6. *Page 87, Lines 2682 through 2684:*

2682        ~~[(7)]~~ (8) If a navigator agency { ~~contracts~~ has a contract with or  
designates a licensee in reports  
2683 submitted under Subsection (3) or ~~[(6)]~~ (7), there is a rebuttable presumption that the  
2684 contracted or designated licensee acts on behalf of the navigator agency.

7. *Page 95, Lines 2921 through 2923:*

2921        ~~[(6)]~~ (7) If an agency { ~~contracts~~ has a contract with or designates a  
licensee in a report submitted under  
2922 Subsection (2) or ~~[(5)]~~ (6), there is a rebuttable presumption that the contracted or  
designated  
2923 licensee acts on behalf of the agency.

8. *Page 102, Lines 3133 through 3136:*

3133        (4) A public adjuster shall keep at the public adjuster's principal place of business  
      { ~~in~~  
3134 this state} a copy of each contract entered into in this state for { ~~this~~ the  
current year plus three years,  
3135 and each contract shall be available at all times for inspection, without notice, by the  
3136 commissioner or the commissioner's authorized representative.

9. *Page 102, Lines 3142 through 3146:*

3142        (1) Except as provided by Subsection (2), a public adjuster may receive  
compensation

- 3143 for service provided under this chapter consisting of an hourly fee, a flat rate, a  
percentage of  
3144 the total amount paid by an insurer to resolve a claim, or another method of  
compensation. {~~—The~~  
3145 total compensation received may not exceed 10% of the amount of the insurance  
settlement on  
3146 the claim.}

10. Page 154, Lines 4745 through 4748:

- 4745 (1) The amendments in this bill to Section 31A-3-102 and Section 59-7-102 have  
4746 retrospective operation for a taxable year beginning on or after January 1, 2017 {~~—;~~  
except that the  
4747 amendments to Subsections 31A-3-102(2)(b) and 59-7-102(1)(g) have retrospective  
operation  
4748 for a taxable year beginning on or after January 1, 2011} —.

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

Brett Barratt, Insurance Commissioner further explained the bill.

**MOTION:** Sen. Bramble moved to pass 1st Substitute H.B. 42 out favorably. The motion passed with a vote of 5-0-3.

Yeas:

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

Nays:

Abs:

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

**6. H.C.R. 13 Concurrent Resolution for Public Employees' Benefit and Insurance Program (*Dunnigan, J.*)**

Rep. Dunnigan explained the resolution with the assistance of Paul Anderton, Chief Actuary, Public Employees Health Plan.

**MOTION:** Sen. Bramble moved to pass H.C.R. 13 out favorably. The motion failed with a vote of 3-3-2.

Yeas:

Sen. C. Bramble  
Sen. G. Davis  
Sen. K. Mayne

Nays:

Sen. D. Hemmert  
Sen. D. Ipson  
Sen. T. Weiler

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

**7. S.B. 129 Salvage Vehicle Amendments (*Bramble, C.*)**

Sen. Bramble presented the bill with the assistance of Robert Jolley, LKQ (online used auto parts)

Kevin Park, Insurance Auto Auctions Inc. expressed concerns with the bill.

Wayne Jones, Executive Director, Used Car Dealers Association spoke to the bill.

Gary Thorup attorney, Copart spoke to the bill.

**MOTION:** Sen. Bramble moved to replace S.B. 129 with 2nd Substitute S.B. 129. 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. Bramble moved to pass 2nd Substitute S.B. 129 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. Weiler moved to reconsider action on HCR 13. 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



**8. H.C.R. 13 Concurrent Resolution for Public Employees' Benefit and Insurance Program (*Dunnigan, J.*)**

**MOTION:** Sen. Weiler moved to pass H.C.R. 13 out favorably. The motion passed with a vote of 5-1-2.

Yeas:

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

Nays:

Sen. D. Ipson

Abs:

Sen. R. Okerlund  
Sen. J. Stevenson

**MOTION:** Sen. Bramble moved to adjourn. 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

Acting Chair Davis adjourned the meeting at 6:26 p.m.

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Sen. Curtis S. Bramble, Chair