

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

Tuesday, February 21, 2017 • 4:10 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
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.

Vice Chair Roberts called the meeting to order at 4:12 p.m.

MOTION: Rep. Duckworth moved to approve the minutes of the February 17, 2017 meeting. The motion passed with a vote of 9-0-5.

Yeas:

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

Nays:

Abs:

Rep. T. Hawkes
Rep. J. Knotwell
Rep. M. McKell
Rep. J. Stanard
Rep. B. Wilson

1. H.B. 0351 Continuing Education Amendments (*Duckworth, S.*)

H.B. 351 was not considered.

2. H.B. 0276 Seat Belt Law Revisions (*Knotwell, J.*)

H.B. 276 was not considered.

3. H.B. 395 Health Insurance Amendments (*Dunnigan, J.*)

Rep. Dunnigan explained the bill assisted by Ms. Kalee Allred, Ms. Sarah Freeman, and Rep. Pitcher.

Ms. Tanji Northrup, Utah Insurance Department, spoke to the bill.

Mr. Travis Wood, Utah Health Plans, spoke in favor of the bill.

Mr. Todd Kiser, Commissioner, Utah Insurance Department, spoke in favor of the bill.

Mr. Craig Paulson, Utah Association of Health Underwriters, spoke in favor of the bill.

Mr. Grant Bangerter, citizen, spoke to the bill.

Mr. Kelly Atkinson, Utah Health Insurance Association, spoke in favor of the bill.

Mr. Ron Nielsen, Utah Business Insurance Company, spoke to the bill.

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

Mr. Timothy Jackson, insurance agent, spoke in favor of the bill.

Dr. John Dayton, Emergency Physicians of Utah, spoke in opposition to the bill.

Dr. Curt Peterson, Pediatric Anesthesia Group at Primary Children's Hospital, spoke in opposition to the bill.

Dr. Michael Beck, Utah Society of Anesthesiologists, spoke in opposition to the bill.

Mr. Danny Harris, AARP Utah, spoke in favor of the bill.

Ms. Michelle McOmber, Utah Medical Association, spoke in opposition to the bill.

MOTION: Rep. Schultz moved to replace H.B. 395 with 1st Substitute H.B. 395. 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. M. McKell
Rep. J. Peterson
Rep. M. Roberts
Rep. M. Schultz
Rep. J. Stanard
Rep. R. Webb
Rep. M. Wheatley

Nays:

Abs:

Rep. J. Knotwell
Rep. B. Wilson

MOTION: Rep. Peterson moved to pass 1st Substitute H.B. 395 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. M. McKell
Rep. J. Peterson
Rep. M. Roberts
Rep. M. Schultz
Rep. J. Stanard
Rep. R. Webb
Rep. M. Wheatley

Nays:

Abs:

Rep. J. Knotwell
Rep. B. Wilson

4. H.B. 376 Landlord-tenant Rights (*Dunnigan, J.*)

Rep. Dunnigan explained the bill assisted by Mr. Kirk Cullimore, Utah Apartment Association.

Mr. John Murray, attorney, spoke in opposition to the bill.

Mr. Marty Blaustein, Utah Legal Services, spoke in opposition to the bill.

Ms. Kara Byrne, Social Research Institute, University of Utah, spoke in opposition to the bill.

Mr. Abdul Khalig Mohamed, researcher, University of Utah, spoke in opposition to the bill.

MOTION: Rep. Froerer moved to amend H.B. 376 with Amendment #1.

1. *Page 2, Lines 43 through 45:*

43 (3) { ~~A defendant shall~~ A summons shall direct the defendant to
 appear and defend the action within three business days from the
44 date of service. { ~~Prominent notice of this requirement shall be separately~~
 endorsed by a judge, a
45 clerk of the court, or counsel for the plaintiff. }

The motion passed with a vote of 11-1-2.

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. J. Stanard
Rep. R. Webb

Nays:

Rep. M. Wheatley

Abs:

Rep. J. Knotwell
Rep. B. Wilson

MOTION: Rep. Schultz moved to pass H.B. 376, as amended, out favorably.
The motion passed with a vote of 8-4-2.

Yeas:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. A. Gardiner
Rep. J. Peterson
Rep. M. Roberts
Rep. M. Schultz
Rep. J. Stanard
Rep. R. Webb

Nays:

Rep. S. Duckworth
Rep. T. Hawkes
Rep. M. McKell
Rep. M. Wheatley

Abs:

Rep. J. Knotwell
Rep. B. Wilson

Rep. Dunnigan assumed the chair.

5. H.B. 277 Direct to Consumer Food Sales Modifications (*Roberts, M.*)

Rep. Roberts explained the bill.

Dr. Royal DeLegge, Salt Lake County Health Department, spoke in favor of the bill.

Ms. Mary Ann Chistensen, Utah Eagle Forum, spoke in favor of the bill.

Mr. Tyson Roberts, Roberts Family Farms, spoke in opposition to the bill.

Ms. Allyn Nakashima, Utah State Epidemiologist, spoke in opposition to the bill.

Rep. Webb assumed the chair.

Mr. Dave Davis, Utah Food Industry Association, spoke in opposition to the bill.

Mr. Brandon Smith, Utah League of Cities and Towns, spoke in opposition to the bill.

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

MOTION: Rep. Stanard moved to replace H.B. 277 with 1st Substitute H.B. 277.
The motion passed with a vote of 13-0-1.

Yeas:

Rep. S. Duckworth
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
Rep. B. Wilson

Nays:

Abs:

Rep. J. Dunnigan

MOTION: Rep. Peterson moved to pass 1st Substitute H.B. 277 out favorably.
The motion passed with a vote of 11-2-1.

Yeas:

Rep. S. Duckworth
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. B. Wilson

Nays:

Rep. R. Webb
Rep. M. Wheatley

Abs:

Rep. J. Dunnigan

Rep. Roberts assumed the chair.

6. H.B. 358 Licensing Information System Amendments (*Albrecht, C.*)

Rep. Albrecht explained the bill assisted by Ms. Sheila Walsh-McDonald, Utah Department of Health.

MOTION: Rep. Gardiner moved to pass H.B. 358 out favorably.
The motion passed with a vote of 9-0-5.

Yeas:

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

Nays:

Abs:

Rep. S. Duckworth
Rep. J. Dunnigan
Rep. J. Knotwell
Rep. J. Peterson
Rep. B. Wilson

MOTION: Rep. Hawkes moved to place H.B. 358 on the Consent Calendar.
The motion passed with a vote of 9-0-5.

Yeas:

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

Nays:

Abs:

Rep. S. Duckworth
Rep. J. Dunnigan
Rep. J. Knotwell
Rep. J. Peterson
Rep. B. Wilson

7. S.B. 99 Consumer Protection Action Amendments (*Hemmert, D.*)

Rep. McKell explained the bill assisted by Mr. David Sonnenreich, Office of the Utah Attorney General.

MOTION: Rep. Stanard moved to pass S.B. 99 out favorably.
The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. J. Peterson
Rep. M. Schultz
Rep. B. Wilson

MOTION: Rep. Stanard moved to place S.B. 99 on the Consent Calendar.
The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. J. Peterson
Rep. M. Schultz
Rep. B. Wilson

8. H.B. 115 Solid Waste Revisions (*McKell, M.*)

Rep. McKell explained the bill assisted by Mr. Scott Anderson, Director, Division of Waste Management and Radiation Control, Department of Environmental Quality.

Mr. Lincoln Shurtz, Utah Association of Counties, spoke to the bill.

Mr. Reese DeMille, Republic Services, spoke in favor of the bill.

Mr. Jeff Hartley, Navitus Renewables, spoke in opposition to the bill.

Mr. Scott Hoganson, Utah County, spoke in favor of the bill.

Ms. Amanda Smith, attorney, Holland and Hart, spoke in opposition to the bill.

MOTION: Rep. Peterson moved to replace H.B. 115 with 3rd Substitute H.B. 115.
The motion passed with a vote of 10-0-4.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. B. Wilson

MOTION: Rep. Schultz moved to pass 3rd Substitute H.B. 115 out favorably.
The motion passed with a vote of 10-0-4.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. B. Wilson

9. H.B. 331 Occupational Licensing Amendments (Thurston, N.)

Rep. Thurston explained the bill.

MOTION: Rep. Peterson moved to amend H.B. 331 with Amendment #2.

1. Page, Line 28 through Page 2, Line 29:

28 (1) ~~[(a) The division may]~~ Subject to Subsections (2) and (3), the division { ~~shall~~ }

- } may issue a
- 29 license without examination to a person who has been licensed in a state, district, or
territory of
2. *Page 2, Lines 35 through 39:*
- 35 (b) after being licensed outside of this state, the person has at least one year of
36 experience in the state, district, or territory of the United States { ~~or in the foreign~~
~~country~~ } where
37 the license was issued and the division determines the person has the education,
experience,
38 and skills necessary to demonstrate competency in the occupation or profession for which
39 licensure is sought.
3. *Page 2, Lines 43 through 45:*
- 43 [(2)] (3) Before a person may be issued a license under this section, the person
shall :
- 44 (a) pay a fee determined by the department under Section 63J-1-504; and
(b) produce satisfactory evidence of the person's identity, qualifications, and
good standing in the
45 occupation or profession for which licensure is sought.

The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. McKell
Rep. M. Schultz
Rep. B. Wilson

MOTION: Rep. Stanard moved to pass H.B. 331, as amended, out favorably.
The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. McKell
Rep. M. Schultz
Rep. B. Wilson

10. S.B. 92 Workers' Compensation Fund Revisions (*Bramble, C.*)

Sen. Bramble explained the bill.

MOTION: Rep. Hawkes moved to pass S.B. 92 out favorably.
The motion passed with a vote of 9-0-5.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. Schultz
Rep. B. Wilson

MOTION: Rep. Hawkes moved to place S.B. 92 on the Consent Calendar.
The motion passed with a vote of 9-0-5.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. Schultz
Rep. B. Wilson

11. S.B. 53 LIS Pendens Amendments (Weiler, T.)

Sen. Weiler explained the bill.

MOTION: Rep. Stanard moved to amend S.B. 53 with Amendment #1.

1. *Page 1, Lines 8 through 9:*

8 General Description:

9 This bill { ~~excludes~~ addresses certain lien actions } ~~from~~ and
= general lis pendens requirements.

2. *Page 1, Lines 12 through 14:*

12 { ~~excludes actions involving construction and oil, gas, and mining liens~~
from the
13 general} addresses lis pendens requirements ~~due to notice requirements~~
specified within those
14 statutes} .

3. *Page 2, Lines 36 through 37:*

36 (3) This section does not apply { ~~to~~ if a plaintiff satisfies the
requirements of a notice of pendency of an action required by Section
37 38-1a-701 or Section 38-10-106.

(4) If a complaint described in Subsection (1)(a) is amended after the notice is recorded, the plaintiff is not required to file an amended notice unless the

property description has changed.

4. Page 3, Lines 78 through 79:

78 (9) { ~~This~~ The motion permitted by this section does not apply to a
notice of pendency of an action required by Section
79 38-1a-701 or Section 38-10-106.

The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. Schultz
Rep. M. Wheatley
Rep. B. Wilson

MOTION: Rep. Webb moved to pass S.B. 53 out favorably as amended.
The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. Schultz
Rep. M. Wheatley
Rep. B. Wilson

MOTION: Rep. Stanard moved to place S.B. 53, as amended, on the Consent Calendar.
The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. Schultz
Rep. M. Wheatley
Rep. B. Wilson

MOTION: Rep. Duckworth moved to adjourn.
The motion passed with a vote of 8-0-6.

Yeas:

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

Nays:

Abs:

Rep. J. Dunnigan
Rep. G. Froerer
Rep. J. Knotwell
Rep. M. Schultz
Rep. M. Wheatley
Rep. B. Wilson

Vice Chair Roberts adjourned the meeting at 7:25 p.m.

Rep. James A. Dunigan, Chair