



UTAH STATE

LEGISLATURE

MINUTES

SENATE BUSINESS AND LABOR STANDING COMMITTEE

Friday, March 8, 2019 | 4:00 p.m. | 215 Senate Building

Members Present:

Sen. Curtis S. Bramble, Chair
Sen. Jacob L. Anderegg
Sen. Kirk A. Cullimore
Sen. Gene Davis
Sen. Karen Mayne
Sen. Daniel McCay

Members Absent:

Sen. Daniel Hemmert
Sen. Don L. Ipson

Staff Present:

Mr. Adam J. Sweet, Policy Analyst
Ms. Karen C. Allred, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Acting Chair Anderegg called the meeting to order at 4:22 p.m.

MOTION: Sen. McCay moved to approve the minutes of the March 7, 2019, meeting. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

Sen. J. Anderegg
Sen. K. Cullimore
Sen. D. McCay

Nays-0

Absent-5

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

1 . S.B. 255 Tax and Revenue Amendments (Cullimore, K. A.)

Sen. Cullimore presented the bill with the assistance of Ms. Dana Debel, Managing Director of Government Affairs, Delta Airlines.

MOTION: Sen. Davis moved to pass S.B. 255 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

2 . S.B. 262 Sales Representative Commission Payment Act Amendments (Cullimore, K. A.)

Sen. Cullimore presented the bill.

MOTION: Sen. Cullimore moved to amend S.B. 262 with Amendment #1. The motion passed with a vote of 5 - 0 - 3.

Amendment 1
S.B. 262

1. Page 1, Lines 14 through 15:
14 ▸ excludes a participant in a ~~{-multilevel marketing}~~ direct sales company from the definition of
15 "sales representative"; and

2. Page 2, Lines 41 through 54:
41 (3) (a) "~~{-Multilevel marketing}~~ Direct sales company" means a person that:

42 (i) sells, distributes, or supplies for consideration a good or service through
43 participants:
44 (A) at different levels of distribution; or
45 (B) in accordance with a formula for compensating participants in whole or in part
46 based on:
47 (I) the sale of a good or service; and
48 (II) the recruitment of or the performance or action of another participant; and
49 (ii) (A) permits participants to recruit other participants to sell, distribute, or supply for
50 consideration the person's good or service; or
51 (B) provides for commission, cross-commissions, override commissions, bonuses,
52 refunds, dividends, or other consideration that is or may be paid as a result of:
53 (I) the sale of a good or service; or
54 (II) the recruitment of or the performance or action of another participant.

3. Page 3, Lines 81 through 82:

81 (vii) an independent agent, contractor, or distributor through whom a {multilevel
82 marketing} direct sales company supplies for consideration a good or service.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

MOTION: Sen. Cullimore moved to pass S.B. 262 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

3 . S.B. 258 Court Venue Amendments (McCay, D.)

Sen. McCay presented the bill.

MOTION: Sen. McCay moved to hold S.B. 258. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

4 . S.B. 252 Fines and Fees Amendments (McCay, D.)

MOTION: Sen. McCay moved to replace S.B. 252 with 1st Substitute S.B. 252. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

Sen. McCay presented the bill.

MOTION: Sen. McCay moved to pass 1st Substitute S.B. 252 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

5 . H.B. 259 Straight Ticket Voting Prohibition Amendments (*Arent, P.*)

Rep. Patrice M. Arent presented the bill with the assistance of Rep. Craig Hall.

Ms. Catherine Weller, Co-President, League of Women Voters of Utah, spoke in favor of the bill.

MOTION: Sen. McCay moved to pass H.B. 259 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

6 . H.B. 338 Changes to Tobacco Retail Permit (*Roberts, M.*)

Rep. Marc K. Roberts presented the bill.

MOTION: Sen. Cullimore moved to pass H.B. 338 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

MOTION: Sen. McCay moved to place H.B. 338 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson

7 . S.B. 253 Construction Code for Historic Preservation (*Davis, G.*)

Sen. Davis presented the bill.

Mr. David Hart, Architect in the restoration and preservation of the Utah State Capitol, Fellow with the American Institute of Architects, spoke in favor of the bill.

Mr. Taz Biesinger, Utah Home Builders Association, spoke in opposition to the bill.

MOTION: Sen. Mayne moved to pass S.B. 253 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

Sen. Bramble assumed the chair.

8 . H.B. 408 Notary Public Liability Amendments (*Hall, C.*)

Rep. Hall presented the bill.

MOTION: Sen. Anderegg moved to pass H.B. 408 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

MOTION: Sen. Anderegg moved to place H.B. 408 on the Consent Calendar. The motion failed with a vote of 5 - 1 - 2.

Yeas-5

Sen. J. Anderegg
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-1

Sen. C. Bramble

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

9 . S.B. 264 Medical Treatment Authorization Amendments (*Vickers, E.*)

Sen. Evan J. Vickers presented the bill.

Ms. Michelle McOمبر, CEO, Utah Medical Association, spoke in favor of the bill.

Ms. Barbara Munoz, Program Director, Utah Academy of Family Physicians, spoke in favor of the bill.

Mr. Steve Foxley, Government Affairs Director, Regents BlueCross BlueShield, spoke in favor of the bill.

MOTION: Sen. Anderegg moved to pass S.B. 264 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

Sen. Anderegg resumed the chair.

10 . S.B. 257 Interest Rates Amendments (Bramble, C.)

Sen. Bramble presented the bill.

Mr. David Head, Utah Association for Justice, representing himself, spoke in favor of the bill.

MOTION: Sen. Bramble moved to pass S.B. 257 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. McCay

Nays-0

Absent-3

Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne

Sen. Bramble resumed the chair.

11 . S.B. 260 Limited Support Services Waiver Amendments (Hemmert, D.)

Rep. Norman K. Thurston presented the bill.

MOTION: Sen. Anderegg moved to pass S.B. 260 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

12 . 1st Sub. H.B. 381 Amusement Ride Safety (Potter, V.)

Rep. Val K. Potter distributed a handout and presented the bill.

[Amusement Ride Safety](#)

MOTION: Sen. Anderegg moved to amend 1st Substitute H.B. 381 with Amendment #4. The motion passed with a vote of 6 - 0 - 2.

Amendment 4
1st Sub. H.B. 381

1. Page 14, Line 425:

425 (71) a record described in { [Subsection 72-15-306\(4\)](#) } [Section 72-16-306](#) that relates to the reporting of an

2. Page 18, Line 533:
533 ~~{72-15-204}~~ 72-16-204.
3. Page 19, Line 559:
559 Section ~~{72-15-204}~~ 72-16-204.
4. Page 19, Line 566:
566 steer or guide the device or attraction within an established area ~~{of}~~ for the purpose of giving the
5. Page 20, Line 586:
586 Section ~~{72-15-201}~~ 72-16-201.
6. Page 20, Line 588:
588 ~~{72-11-202}~~ 72-16-202.
7. Page 20, Line 602:
602 ~~{committee}~~ director under Section ~~{72-15-303}~~ 72-16-303.
8. Page 20, Line 610:
610 ride to check compliance with the safety standards described in Section ~~{72-15-304}~~ 72-16-304 and
9. Page 21, Line 615:
615 (B) satisfied the safety standards described in Section ~~{72-15-304}~~ 72-16-304 and established by
10. Page 23, Line 692:
692 (iii) standards for a daily inspection under Section ~~{72-15-302}~~ 72-16-302 ;
11. Page 2: 4, Line 716
716 (i) fees collected by the committee under this chapter; ~~{and}~~
12. Page 25, Line 747:
747 ~~{72-15-305}~~ 72-16-305 ;
13. Page 25, Line 762:
762 ~~{72-15-305}~~ 72-16-305 ;
14. Page 26, Line 776:
776 ~~{72-15-305}~~ 72-16-305 ;
15. Page 29, Line 870:
870 (8) A qualified safety inspector who is employed by the owner-operator ~~{or}~~ of an

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

Mr. Boyd Jensen, Attorney, Lagoon Amusement Park, spoke in favor of the bill.

Ms. Katie Williams, Secretary-Treasurer, Utah Association of Fairs and Events, spoke in opposition to the bill.

Mr. John Hanschen, President and Principle Owner, Thomas Carnival, spoke to the bill.

Mr. Larry Mullenax, Executive Director, Utah State Fair, spoke in favor of the bill.

MOTION: Sen. Anderegg again moved to amend 1st Substitute H.B. 381 with Amendment #4. The motion passed with a vote of 6 - 0 - 2.

Amendment 4
1st Sub. H.B. 381

1. Page 14, Line 425:
425 (71) a record described in {[Subsection 72-15-306\(4\)](#)} [Section 72-16-306](#) that relates to the reporting of
an
2. Page 18, Line 533:
533 {~~72-15-204~~} [72-16-204](#) .
3. Page 19, Line 559:
559 Section {~~72-15-204~~} [72-16-204](#) .
4. Page 19, Line 566:
566 steer or guide the device or attraction within an established area {~~of~~} [for](#) the purpose of giving the
5. Page 20, Line 586:
586 Section {~~72-15-201~~} [72-16-201](#) .
6. Page 20, Line 588:
588 {~~72-11-202~~} [72-16-202](#) .
7. Page 20, Line 602:
602 {~~committee~~} [director](#) under Section {~~72-15-303~~} [72-16-303](#) .
8. Page 20, Line 610:
610 ride to check compliance with the safety standards described in Section {~~72-15-304~~} [72-16-304](#) and
9. Page 21, Line 615:
615 (B) satisfied the safety standards described in Section {~~72-15-304~~} [72-16-304](#) and established by
10. Page 23, Line 692:
692 (iii) standards for a daily inspection under Section {~~72-15-302~~} [72-16-302](#) ;
11. Page 2: 4, Line 716
716 (i) fees collected by the committee under this chapter; {~~and~~}
12. Page 25, Line 747:
747 {~~72-15-305~~} [72-16-305](#) ;
13. Page 25, Line 762:
762 {~~72-15-305~~} [72-16-305](#) ;
14. Page 26, Line 776:
776 {~~72-15-305~~} [72-16-305](#) ;
15. Page 29, Line 870:
870 (8) A qualified safety inspector who is employed by the owner-operator {~~or~~} of an

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

MOTION: Sen. Davis moved to pass 1st Substitute H.B. 381 out favorably. The motion passed with a vote of 5 - 1 - 2.

Yeas-5

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne

Nays-1

Sen. D. McCay

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

13 . S.B. 241 Treatment Medication Amendments (*Mayne, K.*)

[Susan G. Komen Testimonies](#)

Chair Bramble announced that at the request of the sponsor, S.B. 241 would not be heard.

14 . H.B. 337 Professional Competency Standards Amendments (*Dailey-Provost, J.*)

Rep. Jennifer Dailey-Provost presented the bill with the assistance of Mrs. Kelly Davis Garrett, PhD Neuropsychologist, Intermountain Health Care.

Sen. Anderegg resumed the chair.

Sen. Bramble resumed the chair.

Ms. McOmber, CEO, Utah Medical Association, spoke in opposition of the bill.

MOTION: Sen. Davis moved to pass H.B. 337 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

15 . 1st Sub. H.B. 274 Retail Tobacco Business Amendments (*Dailey-Provost, J.*)

Rep. Jennifer Dailey-Provost presented the bill.

MOTION: Sen. McCay moved to replace 1st Substitute H.B. 274 with 3rd Substitute H.B. 274. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

MOTION: Sen. Davis moved to pass 3rd Substitute H.B. 274 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. J. Anderegg
Sen. C. Bramble
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-3

Sen. K. Cullimore
Sen. D. Hemmert
Sen. D. Ipson

16 . 1st Sub. H.B. 394 Pawnshop and Secondhand Merchandise Amendments (*Hutchings, E.*)

Rep. Eric K. Hutchings presented the bill with the assistance of Special Agent Chris Walden, Investigations Division, Attorney General's Office.

[Pawn Shop and Secondhand Merchants Photos](#)

Ms. Chris Finlinson, spoke to the bill.

Mr. Parsons Metesom, Detective, Unified Police, spoke in favor the bill.

Mr. Dave Davis, Utah Retail Merchants Association, spoke in favor of the bill.

Mr. Mike Katsanevas, Owner, Crown Jewelers and Pawn, Chair, Secondhand Merchants Advisory Board, spoke in favor of the bill.

Mr. Kim Bird, First Cash Inc., spoke in opposition to the bill.

MOTION: Sen. Anderegg moved to pass 1st Substitute H.B. 394 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

MOTION: Sen. Mayne moved to adjourn. The motion passed with a vote of 6 - 0 - 2.



Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. D. Hemmert
Sen. D. Ipson

Chair Bramble adjourned the meeting at 5:48 p.m.