



MINUTES

SENATE BUSINESS AND LABOR STANDING COMMITTEE

Wednesday, February 19, 2020 | 2:00 p.m. | 215 Senate Building

Members Present:

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

Sen. Don L. Ipson
Sen. Karen Mayne
Sen. Daniel McCay

Staff Present:

Adam J. Sweet, Policy Analyst
Brodi Ashton, Committee Secretary

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

Chair Bramble called the meeting to order at 2:08 p.m.

MOTION: Sen. Davis moved to approve the minutes of the February 18, 2020, meeting. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Ipson

Nays-0

Absent-4

Sen. J. Anderegg
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

1 . S.B. 127 Nursing Licensing Amendments (Buxton, D. G.)

[Information Packet from Stevens Henager College](#)

Sen. David G. Buxton presented the bill.

Vicky Dewsnup, President, Stevens-Henager College, spoke in favor of the bill.

Marianne Craven, graduate program coordinator, Utah Valley University, spoke in favor of the bill.

Vickie Dewsnup spoke to accreditation.

Diane Forster Berk, Utah Nurses Association, spoke to the bill.

MOTION: Sen. Anderegg moved to pass S.B. 127 out favorably. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

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

Nays-0

Absent-1

Sen. D. McCay

2 . S.B. 142 Delivery Driver Age Requirements (Fillmore, L.)

Sen. Lincoln Fillmore presented the bill.

Mike Ostillmiller, Uber, spoke in favor of the bill.

MOTION: Sen. Anderegg moved to pass S.B. 142 out favorably. The motion passed with a vote of 8 - 0 - 0.

<u>Yeas-8</u>	<u>Nays-0</u>	<u>Absent-0</u>
Sen. J. Anderegg		
Sen. C. Bramble		
Sen. K. Cullimore		
Sen. G. Davis		
Sen. D. Hemmert		
Sen. D. Ipson		
Sen. K. Mayne		
Sen. D. McCay		

MOTION: Sen. Davis moved to place S.B. 142 on the Consent Calendar. The motion passed with a vote of 8 - 0 - 0.

<u>Yeas-8</u>	<u>Nays-0</u>	<u>Absent-0</u>
Sen. J. Anderegg		
Sen. C. Bramble		
Sen. K. Cullimore		
Sen. G. Davis		
Sen. D. Hemmert		
Sen. D. Ipson		
Sen. K. Mayne		
Sen. D. McCay		

3 . 1st Sub. H.B. 147 Division of Real Estate Amendments (Musselman, C.R.)

MOTION: Sen. Anderegg moved to amend 1st Substitute H.B. 147 with Amendment #3. The motion passed with a vote of 8 - 0 - 0.

Amendment 3
1st Sub. H.B. 147

1. Page 17, Lines 493 through 506:
 493 (ll) in a perceivable and reproducible form.
 493a {~~ff~~→(oo) "Referral" means the same as that term is described in 12 C.F.R. Sec.
 493b ~~1024.14(f).~~←~~ff~~
 494 —~~ff~~→[(oo)] (pp)←~~ff~~ "Referral fee":
 495 —(i) means any fee, kickback, other compensation, or thing of value tendered for a
 496 referral of business or a service incident to or part of a residential mortgage loan transaction;
 497 and
 498 —(ii) does not include:
 499 —(A) a payment made by a licensed entity to an individual employed by the entity under
 500 a contractual incentive program according to rules made by the division in accordance with
 501 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 502 —(B) a payment made for reasonable promotional and educational activities that is not
 503 conditioned on the referral of business and is not used to pay expenses that a person in a
 504 position to refer settlement services or business related to the settlement services would
 505 otherwise incur.}
 506 {~~ff~~→[(pp)] (qq)←~~ff~~}.(oo) "Residential mortgage loan" means an extension of credit, if:

2. Page 17, Line 512:
 512 (1) {~~ff~~→[(pp)] (qq)←~~ff~~}.(oo) (i):

3. Page 17, Lines 514 through 515:
 514 (B) is created with the consent of the owner of the residential real property.
 (pp) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules made thereunder.
 515 ~~ff~~→{[]}(qq){[]}{ ←(rr) }←~~ff~~ "Settlement" means the time at which each of the following is complete:

- 4. Page 18, Line 528:
528 H→{+}(rr){+}{-ss}←H "Settlement services" means a service provided in connection with a real
- 5. Page 18, Line 534:
534 H→{+}(ss){+}{-tt}←H "Sponsorship" means an association in accordance with Section 61-2c-209
- 6. Page 18, Line 536:
536 H→{+}(tt){+}{-uu}←H "State" means:
- 7. Page 18, Line 540:
540 H→{+}(uu){+}{-vw}←H "Uniform state test" means the uniform state content section of the
- 8. Page 18, Line 542:
542 H→{+}(v){+}{-ww}←H "Unique identifier" means the same as that term is defined in 12 U.S.C.
- 9. Page 18, Line 543:
543 H→{+}(ww){+}{-xx}←H "Utah-specific" means an educational requirement under this chapter
- 10. Page 24, Lines 721 through 724:
721 (1) A person transacting the business of residential mortgage loans in this state may
722 not:
723 (a) {give or receive a referral fee} violate Section 8 of RESPA;
724 (b) charge a fee in connection with a residential mortgage loan transaction:

<u>Yeas-8</u>	<u>Nays-0</u>	<u>Absent-0</u>
Sen. J. Anderegg		
Sen. C. Bramble		
Sen. K. Cullimore		
Sen. G. Davis		
Sen. D. Hemmert		
Sen. D. Ipson		
Sen. K. Mayne		
Sen. D. McCay		

Rep. Calvin R. Musselman presented the bill.

Jonathon Stewart, Director, Division of Real Estate, spoke to the bill.

Chris Kyler, CEO, Utah Association of Realtors, spoke in favor of the bill.

MOTION: Sen. Anderegg moved to pass 1st Substitute H.B. 147 out favorably. The motion passed with a vote of 8 - 0 - 0.

<u>Yeas-8</u>	<u>Nays-0</u>	<u>Absent-0</u>
Sen. J. Anderegg		
Sen. C. Bramble		
Sen. K. Cullimore		
Sen. G. Davis		
Sen. D. Hemmert		
Sen. D. Ipson		
Sen. K. Mayne		
Sen. D. McCay		

Sen. Anderegg assumed the chair.

4 . S.B. 128 Non-vehicle Franchise Agreement Amendments (Bramble, C.)

Sen. Bramble presented the bill.

MOTION: Sen. Bramble moved to replace S.B. 128 with 2nd Substitute S.B. 128. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

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

Nays-0

Absent-1

Sen. K. Mayne

Lincoln Shurtz, American Trailerworks Association (ATW,) spoke to the bill.

Wayne Jones, Executive Director, RV Dealers' Association, spoke against the bill.

Tyler Vanderhorst, Trailership Owner, spoke in favor of the bill.

MOTION: Sen. Bramble moved to pass 2nd Substitute S.B. 128 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. Hemmert

Nays-0

Absent-3

Sen. D. Ipson
Sen. K. Mayne
Sen. D. McCay

5 . H.B. 199 Insured Homeowners Protection Act (Shipp, R.P.)

Rep. Rex P. Shipp presented the bill.

Chair Bramble assumed the chair.

MOTION: Sen. Anderegg moved to amend H.B. 199 with Amendment #1. The motion passed with a vote of 5 - 0 - 3.

Amendment 1
H.B. 199

1. Page 3, Lines 82 through 86:
82 of the assignment.

83 (2) A party ~~{to}~~ receiving the assignment described in Subsection (1) shall :
84 (a) deliver the assignment

84 to the insurer of the residential building within five business days after the earlier of the day on which :
85 (i) the

85 assignment is executed{-.} ; or

(ii) repair work begins on the residential building; and

(b) cooperate with the insurer of the residential building in an investigation into the claimed loss by:

(i) providing each document and record the insurer requests; and

(ii) complying with each post-loss duty included in the insurance policy.

86 Section 3. Section 13-50-302 is enacted to read:

Yeas-5

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

Nays-0

Absent-3

Sen. D. Ipson
Sen. K. Mayne
Sen. D. McCay

Michael Sonntag, lobbyist, Bear River Insurance, spoke to the bill.

MOTION: Sen. Anderegg moved to pass H.B. 199 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. D. Hemmert

Nays-0

Absent-4

Sen. G. Davis
Sen. D. Ipson
Sen. K. Mayne
Sen. D. McCay

Chair Bramble adjourned the meeting at 3:41 p.m.