



# MINUTES

## SENATE BUSINESS AND LABOR STANDING COMMITTEE

Wednesday, January 18, 2023 | 2:10 p.m. | 220 Senate Building

**Members Present:**

Sen. Curtis S. Bramble, Chair  
Sen. Nate Blouin  
Sen. Kirk A. Cullimore  
Sen. Don L. Ipson  
Sen. Karen Kwan  
Sen. Daniel McCay

Sen. Todd D. Weiler

**Members Absent:**

Sen. Scott D. Sandall

**Staff Present:**

Adam J. Sweet, Policy Analyst  
Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Bramble called the meeting to order at 2:12 p.m.

**MOTION:** Sen. Kwan moved to approve the minutes of the February 28, 2022, meeting. The motion passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. N. Blouin  
Sen. C. Bramble  
Sen. K. Cullimore  
Sen. K. Kwan  
Sen. D. McCay

Nays - 0

Absent - 3

Sen. D. Ipson  
Sen. S. Sandall  
Sen. T. Weiler

**1. S.B. 31 State Flag Amendments (McCay, D.)**

Sen. McCay presented the bill with the assistance of Jill Love, Director, Department of Cultural and Community Engagement.

Ron Fox, citizen, spoke in favor of the bill.

Michael DeGroot, citizen, spoke in favor of the bill.

Jennifer Garner, citizen, spoke in opposition to the bill.

Mike Brown, citizen, spoke in opposition to the bill.

Thomas Cook, citizen, spoke in opposition to the bill.

Brady Tracy, citizen, spoke in opposition to the bill.

Rachel Williams, citizen, spoke in opposition to the bill.

Chance Hammock, citizen, spoke in favor of the bill.

Jeron Janson, citizen, spoke in favor of the bill.

Noah Norton, citizen, spoke in favor of the bill.

Nate Affleck, citizen, spoke in opposition to the bill.

Colleen Taylor, citizen, spoke in opposition to the bill.

Eric Nystul, citizen, spoke in favor of the bill.

Cindy Winem, citizen, spoke in opposition to the bill.

Frank Pignanelli, citizen, spoke in opposition to the bill.

**MOTION:** Sen. Cullimore moved to pass S.B. 31 out favorably. The motion passed with a vote of 6 - 1 - 1.

Yeas - 6

Sen. N. Blouin  
Sen. C. Bramble  
Sen. K. Cullimore  
Sen. K. Kwan  
Sen. D. McCay  
Sen. T. Weiler

Nays - 1

Sen. D. Ipson

Absent - 1

Sen. S. Sandall

Sen. Blouin assumed the chair.

**2. S.B. 18 Public Expression Protection Act (*Bramble, C.*)**

Sen. Bramble presented the bill with the assistance of Lowry Snow, former State Representative, and Jeffery Hunt, Commercial Litigation Attorney, Parr Brown Gee & Loveless.

**MOTION:** Sen. Ipson moved to pass S.B. 18 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. N. Blouin  
Sen. C. Bramble  
Sen. D. Ipson  
Sen. K. Kwan  
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore  
Sen. D. McCay  
Sen. S. Sandall

**3. S.B. 78 Naturopathic Physician Licensing Amendments (*Grover, K.*)**

Sen. Grover presented the bill with the assistance Dr. Babbie Stern, Naturopathic Physician, and Dr. Matthew Burnett, Naturopathic Physician.

Michelle McOmber, Chief Executive Officer, Utah Medical Association, spoke to the bill.

Catherine Pacquette-Richardson, citizen, spoke in favor of the bill.

**MOTION:** Sen. Bramble moved to pass S.B. 78 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. N. Blouin  
Sen. C. Bramble  
Sen. D. Ipson  
Sen. K. Kwan  
Sen. D. McCay  
Sen. T. Weiler

Nays - 0

Absent - 2

Sen. K. Cullimore  
Sen. S. Sandall

**4. S.B. 36 Professional Licensing Amendments (*Bramble, C.*)**

Sen. Bramble presented the bill with the assistance of Mark Steinagel, Director, Division of Professional Licensing.

**MOTION:** Sen. Bramble moved to replace S.B. 36 with 1st Substitute S.B. 36. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. D. Ipson  
Sen. K. Kwan  
Sen. D. McCay  
Sen. T. Weiler

Nays - 0

Absent - 2  
Sen. K. Cullimore  
Sen. S. Sandall

**MOTION:** Sen. Ipson moved to pass 1st Substitute S.B. 36 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. D. Ipson  
Sen. K. Kwan  
Sen. D. McCay  
Sen. T. Weiler

Nays - 0

Absent - 2  
Sen. K. Cullimore  
Sen. S. Sandall

**5. S.B. 42 Massage Therapy Practice Act Amendments (*Bramble, C.*)**

**MOTION:** Sen. Bramble moved to replace S.B. 42 with 1st Substitute S.B. 42. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. D. Ipson  
Sen. K. Kwan  
Sen. D. McCay  
Sen. T. Weiler

Nays - 0

Absent - 2  
Sen. K. Cullimore  
Sen. S. Sandall

Sen. Bramble presented the bill with the assistance of Ezralea Robbins, Manager, Mountainside Spa, and Candice Camille Anderson, Massage Therapist.

Laura Embleton, Director of Government Relations, Associated Bodywork and Massage Therapists, spoke in opposition to the bill.

Bijan Hosseini, Owner, Yugen Wellness Center, spoke in opposition to the bill.

Christine Hooper, Manager, Legislative and Regulatory Affairs, American Massage Therapist Association, spoke in opposition to the bill.

Randall Nikola, Owner, Healing Mountain Massage School, spoke in opposition to the bill.

Ashley Hernandez, Government Relations Specialist, Federation of State Massage Therapy Board, spoke in opposition of the bill.

**MOTION:** Sen. McCay moved to pass 1st Substitute S.B. 42 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4  
 Sen. N. Blouin  
 Sen. C. Bramble  
 Sen. K. Kwan  
 Sen. D. McCay

Nays - 0

Absent - 4  
 Sen. K. Cullimore  
 Sen. D. Ipson  
 Sen. S. Sandall  
 Sen. T. Weiler

**6. S.B. 90 Automobile Franchise Amendments (*Bramble, C.*)**

Sen. Bramble presented the bill with the assistance of Jason Bickmore, New Car Dealers of Utah, and Frank Pignanelli, Lobbyist, Utah Alliance of Automobile Manufactures.

**MOTION:** Sen. Bramble moved to pass S.B. 90 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4  
 Sen. N. Blouin  
 Sen. C. Bramble  
 Sen. K. Kwan  
 Sen. D. McCay

Nays - 0

Absent - 4  
 Sen. K. Cullimore  
 Sen. D. Ipson  
 Sen. S. Sandall  
 Sen. T. Weiler

**MOTION:** Sen. Bramble moved to place S.B. 90 on the Consent Calendar. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4  
 Sen. N. Blouin  
 Sen. C. Bramble  
 Sen. K. Kwan  
 Sen. D. McCay

Nays - 0

Absent - 4  
 Sen. K. Cullimore  
 Sen. D. Ipson  
 Sen. S. Sandall  
 Sen. T. Weiler

**7. S.B. 73 Gratuity Amendments (*Pitcher, S.*)**

Sen. Pitcher presented the bill with assistance of Melva Sine, President and CEO, Utah Restaurant Association.

**MOTION:** Sen. Bramble moved to amend S.B. 73 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1  
 S.B. 73

1. Page 1, Lines 11 through 13:
  - 11 This bill:
  - 12     ▶ allows {~~a tipped employee~~} an employee that is not customarily tipped to participate in a tip sharing arrangement {~~with another~~
  - 13 ~~employee who is not a tipped employee~~} under certain circumstances; and
2. Page 3, Lines 81 through 84:
  - 81 (d) An employer {~~of a tipped employee~~} may allow an employee who is not a tipped
  - 82 employee to participate in a bona fide tip pooling or sharing arrangement {~~with a tipped~~
  - 83 ~~employee~~} in accordance with the Fair Labor Standards Act of 1938, 29 U.S.C. Sec. 201 et seq.,
  - 84 and 29 C.F.R. Sec. 531.50 through 531.60.

Yeas - 4  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. K. Kwan  
Sen. D. McCay

Nays - 0

Absent - 4  
Sen. K. Cullimore  
Sen. D. Ipson  
Sen. S. Sandall  
Sen. T. Weiler

**MOTION:** Sen. Bramble moved to pass S.B. 73 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. K. Kwan  
Sen. D. McCay

Nays - 0

Absent - 4  
Sen. K. Cullimore  
Sen. D. Ipson  
Sen. S. Sandall  
Sen. T. Weiler

**8. S.B. 94 Special Service District Bonds Amendments (*Winterton, R.*)**

Sen. Winterton presented the the bill.

**MOTION:** Sen. Bramble moved to pass S.B. 94 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. K. Kwan  
Sen. D. McCay

Nays - 0

Absent - 4  
Sen. K. Cullimore  
Sen. D. Ipson  
Sen. S. Sandall  
Sen. T. Weiler

**MOTION:** Sen. Bramble moved to adjourn. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4  
Sen. N. Blouin  
Sen. C. Bramble  
Sen. K. Kwan  
Sen. D. McCay

Nays - 0

Absent - 4  
Sen. K. Cullimore  
Sen. D. Ipson  
Sen. S. Sandall  
Sen. T. Weiler

Acting Chair Blouin adjourned the meeting.