

Tuesday, February 20, 202417:30 a.m. 1220 Senate Building

Members Present:

Sen. Curtis S. Bramble, Chair

Sen. Nate Blouin Sen. Kirk A. Cullimore Sen. Karen Kwan Sen. Daniel McCay

Sen. Scott D. Sandall

Sen. Todd D. Weiler

Members Absent: Sen. Don L. Ipson

Staff Present:

Robert Wood, 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.

Chair Bramble called the meeting to order 7:34 a.m.

MOTION: Sen. Kwan moved to approve the minutes of the February 14, 2024 meeting. The motion passed

with a vote of 4 - 0 - 4.

Yeas - 4 Nays - 0 Absent - 4 Sen. C. Bramble Sen. N. Blouin Sen. K. Kwan Sen. K. Cullimore Sen. S. Sandall Sen. D. Ipson Sen. T. Weiler Sen. D. McCay

1. 2nd Sub. H.B. 289 Property Rights Ombudsman Amendments (Birkeland, K.)

Rep. Birkeland presented the bill.

Sen. Sandall moved to amend 2nd Substitute H.B. 289 with Amendment #1. The motion passed MOTION:

with a vote of 4 - 0 - 4.

Amendment 1 2nd Sub. H.B. 289

- 1. Page 1, Lines 11 through 16:
- 11 This bill:
- {clarifies} provides that a party who prevails in court on an issue that the Office of the Property 12
- Rights Ombudsman previously decided in the party's favor (is may be entitled to an award of 13
- 14 attorney fees:
- provides that the party described above may be entitled to collect a civil penalty and 15
- consequential damages in certain circumstances; and
- Page 3, Lines 70 through 74: 2.
- (12) Subject to Subsection (13), if the Office of the Property Rights Ombudsman issues 70
- an advisory opinion described in this section, and if the same issue that is the subject of the
- advisory opinion is subsequently litigated in court on a cause of action alleging the same facts
- 73 and circumstances that are at issue in the advisory opinion, and if the court resolves the issue
- consistent with the advisory opinion, the court { shall } may award the substantially prevailing party:



 Yeas - 4
 Nays - 0
 Absent - 4

 Sen. C. Bramble
 Sen. N. Blouin

 Sen. K. Kwan
 Sen. K. Cullimore

 Sen. S. Sandall
 Sen. D. Ipson

 Sen. T. Weiler
 Sen. D. McCay

Justin Lee, Deputy Director, Utah League of Cities and Town, spoke in favor of the bill.

MOTION: Sen. Sandall moved to pass 2nd Substitute H.B. 289 out favorably. The motion passed with a vote

of 5 - 0 - 3.

 Yeas - 5
 Nays - 0
 Absent - 3

 Sen. N. Blouin
 Sen. K. Cullimore

 Sen. C. Bramble
 Sen. D. Ipson

 Sen. K. Kwan
 Sen. D. McCay

Sen. S. Sandall Sen. T. Weiler

2. H.B. 396 Workplace Discrimination Amendments (Brammer, B.)

MOTION: Sen. Kwan moved to replace H.B. 396 with 1st Substitute H.B. 396. The motion passed with a vote

of 5 - 0 - 3.

<u>Yeas - 5</u> <u>Nays - 0</u> <u>Absent - 3</u>

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

Sen. S. Sandall Sen. T. Weiler

Rep. Brammer presented the bill.

MOTION: Sen. McCay moved to pass 1st Substitute H.B. 396 out favorably. The motion passed with a vote of

4 - 2 - 2.

Yeas - 4 Nays - 2 Absent - 2
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Sen. C. Bramble Sen. N. Blouin Sen. K. Cullimore Sen. D. McCay Sen. K. Kwan Sen. D. Ipson

Sen. S. Sandall Sen. T. Weiler

3. S.B. 231 Public Surveillance Prohibition Amendments (McCay, D.)

Sen. McCay asked to move to the next agenda item so he can check on substitutes and amendments that are not on-line. Chair Bramble approved this request.

4. S.B. 204 Condominium and Community Association Amendments (Harper, W.)

MOTION: Sen. Kwan moved to replace S.B. 204 with 1st Substitute S.B. 204. The motion passed with a vote

of 6 - 0 - 2.



Yeas - 6 Nays - 0 Absent - 2

Sen. N. Blouin Sen. K. Cullimore Sen. C. Bramble Sen. D. Ipson

Sen. K. Kwan Sen. D. McCav Sen. S. Sandall

Sen. T. Weiler

Sen. Harper presented the bill with the assistance of Tyler LaMarr, Attorney, Community Association Institute.

MOTION: Sen. Kwan moved to pass 1st Substitute S.B. 204 out favorably. The motion passed with a vote of

6-0-2.

<u>Yeas - 6</u> Nays - 0 Absent - 2

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

Sen. D. McCay Sen. S. Sandall Sen. T. Weiler

5. S.B. 237 Towing Modifications (McKell, M.)

Sen. McKell presented the bill with the assistance of David Spatafore, Utah Chiefs of Police Association, Valley **Emergency Communications Center.**

MOTION: Sen. Weiler moved to amend S.B. 237 with Amendment #1. The motion passed with a vote of 5 - 0

- 3.

Amendment 1 S.B. 237

Page 4, Lines 96 through 100:

96 (e) The Motor Vehicle Division is not required to give notice under this Subsection (5)

97 if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck

service in accordance with Subsection [72-9-603(1)(a)(i)] 72-9-603(1)(a)(i). 98

(f) The Motor Vehicle Division shall disclose the information in the report described in 99

100 Subsection (4) and Section 72-9-603 to the designated agent as defined in Section 41-12a-802.

<u>Yeas - 5</u> Nays - 0 Absent - 3

Sen. K. Cullimore Sen. N. Blouin Sen. C. Bramble Sen. D. Ipson Sen. K. Kwan Sen. S. Sandall

Sen. D. McCay

Sen. T. Weiler

MOTION: Sen. McCay moved to pass S.B. 237 out favorably. The motion passed with a vote of 5 - 0 - 3.

<u>Yeas - 5</u> Nays - 0 Absent - 3 Sen. N. Blouin Sen. K. Cullimore Sen. C. Bramble Sen. D. Ipson Sen. K. Kwan Sen. S. Sandall

Sen. D. McCay Sen. T. Weiler

6. S.B. 231 Public Surveillance Prohibition Amendments (McCay, D.)

MOTION:

Sen. McCay moved to replace S.B. 231 with 1st Substitute S.B. 231. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6

Nays - 0

Absent - 2

Sen. N. Blouin

Sen. C. Bramble

Sen. K. Cullimore Sen. D. Ipson

Sen. K. Kwan Sen. D. McCay

Sen. S. Sandall Sen. T. Weiler

MOTION:

Sen. McCay moved to amend 1st Substitute S.B. 231 with Amendment #2. The motion passed with

a vote of 6 - 0 - 2.

Amendment 2 1st Sub. S.B. 231

Page 3, Lines 57 through 62:

within a closed structure. 57

(7) "Public safety threat" means a documented reasonable articulable suspicion of a threat to commit a violent act by a specific individual towards a person, a group of people, or a place.

58 { (7) } (8) "Surveillance information" means future, current, or historical information

59 produced by the digital monitoring of an area that can be used to create biometric surveillance

60 information.

[(3)] (8) (9) "Target" means a person or a structure upon which a government entity 61

intentionally collects or attempts to collect information using an imaging surveillance device.

Page 3, Lines 75 through 78:

75 (2) A government entity may obtain biometric surveillance information without a

76 search warrant:

77 (a) on authorized property; { or }

78 (b) in accordance with a judicially recognized exception to warrant requirements{...}; or

(c) a public safety threat.

Yeas - 6

Nays - 0

Absent - 2

Sen. N. Blouin Sen. C. Bramble Sen. K. Cullimore Sen. D. Ipson

Sen. K. Kwan

Sen. D. McCay

Sen. S. Sandall

Sen. T. Weiler

Rep. McKell presented the bill with the assistance of Jason Chipman, Director of Legislative Government Affairs, Libertas Institute.

Brian Gwilliam, President, Utah Chiefs of Police, spoke in favor of the bill.

Nate Mutter, co-chair, Utah Law Enforcement Legislative Committee, spoke in favor of the bill.

Mike Rapich, Colonel, Utah Highway Patrol, spoke in favor of the the bill.

MOTION: Sen. McCay moved to pass 1st Substitute S.B. 231 out favorably. The motion passed with a vote of

6 - 0 - 2.



<u>Yeas - 6</u> <u>Nays - 0</u> <u>Absent - 2</u>

Sen. N. Blouin
Sen. C. Bramble
Sen. D. Ipson

Sen. K. Kwan Sen. D. McCay Sen. S. Sandall Sen. T. Weiler

7. 1st Sub. H.B. 231 Motor Vehicle Insurance Modifications (Abbott, N.)

Rep. Abbott presented the bill.

Paul Rogers, lobbyist, Workers' Compensation Fund Insurance (WCF), spoke in favor of the bill.

Scott Lythgoe, Utah Trial Lawyers Association, spoke in favor of the bill.

MOTION: Sen. Kwan moved to pass 1st Substitute H.B. 231 out favorably. The motion passed with a vote of

6 - 0 - 2.

<u>Yeas - 6</u> <u>Nays - 0</u> <u>Absent - 2</u>

Sen. N. Blouin Sen. K. Cullimore Sen. C. Bramble Sen. D. Ipson

Sen. K. Kwan Sen. D. McCay Sen. S. Sandall Sen. T. Weiler

8. 1st Sub. H.B. 262 School and Institutional Trust Lands Amendments (Snider, C.)

Letter to the Senate Business and Labor Committee voicing support for 1st Substitute HB262.

Rep. Snyder presented the bill.

Garritt Slatcoff, Backcountry Hunters and Anglers, Utah Chapter, spoke in favor of the bill

Michelle McConkie, Executive Director, School and Institutional Trust Lands Administration, spoke in favor of the bill.

Marlo Oaks, State Treasure, Utah Office of State Treasurer, spoke in favor of the bill.

Margaret Bird, citizen, spoke in opposition of the bill.

Heather Van Leeuwen, Trust Lands Specialist, Parent Teacher Association (PTA), spoke in opposition of the bill.

Kim Christy, Director, Utah Lands Trusts Protection and Advocacy Office, spoke in favor of the bill.

Jay Blain, Director of Policy and Research, Utah Education Association, spoke in favor of the bill.

MOTION: Sen. McCay moved to pass 1st Substitute H.B. 262 out favorably. The motion passed with a vote of

5 - 0 - 3.



Yeas - 5Nays - 0Absent - 3Sen. N. BlouinSen. D. IpsonSen. C. BrambleSen. K. KwanSen. K. CullimoreSen. T. Weiler

Sen. D. McCay Sen. S. Sandall

9. 1st Sub. H.B. 451 Foster Care Amendments (Gricius, S.)

Rep. Gricius presented the bill.

MOTION: Sen. Sandall moved to pass 1st Substitute H.B. 451 out favorably. The motion passed with a vote of

4 - 0 - 4.

Yeas - 4Nays - 0Absent - 4Sen. N. BlouinSen. D. IpsonSen. C. BrambleSen. K. KwanSen. K. CullimoreSen. D. McCaySen. S. SandallSen. T. Weiler

10. S.B. 238 Independent Contractor Benefits Tax Credit Amendments (Johnson, J.)

Sen. Johnson presented the bill with the assistance of Caden Rosenbaum, Technology & Innovation Policy, Libertas Institute.

Liya Palagashvili, Senior Research Fellow, Mercatus Center, George Mason University, spoke in favor of the bill.

MOTION: Sen. McCay moved to pass S.B. 238 out favorably. The motion passed with a vote of 5 - 0 - 3.

 Yeas - 5
 Nays - 0
 Absent - 3

 Sen. N. Blouin
 Sen. K. Cullimore

 Sen. C. Bramble
 Sen. D. Ipson

 Sen. K. Kwan
 Sen. T. Weiler

Sen. D. McCay Sen. S. Sandall

11. H.B. 114 Rape Crisis and Services Center Amendments (Romero, A.)

Rep. Ramero presented the bill

MOTION: Sen. Kwan moved to place H.B. 114 on the Consent Calendar. The motion failed with a vote of 3 - 2

- 3.

Yeas - 3Nays - 2Absent - 3Sen. K. KwanSen. N. BlouinSen. K. CullimoreSen. D. McCaySen. C. BrambleSen. D. IpsonSen. S. SandallSen. T. Weiler

MOTION: Sen. Kwan moved to pass H.B. 114 out favorably. The motion passed with a vote of 5 - 0 - 3.



<u>Yeas - 5</u> <u>Nays - 0</u> <u>Absent - 3</u>

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

Sen. D. McCay Sen. S. Sandall

12. H.B. 353 Mining Operations Amendments (Bolinder, B.)

Rep. Bollinder presented the bill.

Dave Kallus, lobbyist, Critical Infrastructure Materials Coalition, spoke in favor of the bill.

MOTION: Sen. Sandall moved to pass H.B. 353 out favorably. The motion passed with a vote of 3 - 2 - 3.

Yeas - 3Nays - 2Absent - 3Sen. C. BrambleSen. N. BlouinSen. K. CullimoreSen. D. McCaySen. K. KwanSen. D. IpsonSen. S. SandallSen. T. Weiler

13. S.B. 244 Professional Licensing Modifications (Kwan, K.)

Sen. Kwan presented the bill.

Mark Steinagel, Director, Division of Professional Licensing (DOPL), spoke in favor of the bill.

MOTION: Sen. Kwan moved to pass S.B. 244 out favorably. The motion passed with a vote of 5 - 0 - 3.

 Yeas - 5
 Nays - 0
 Absent - 3

 Sen. N. Blouin
 Sen. K. Cullimore

 Sen. C. Bramble
 Sen. D. Ipson

 Sen. K. Kwan
 Sen. T. Weiler

Sen. K. Kwan Sen. D. McCay Sen. S. Sandall

MOTION: Sen. McCay moved to adjourn. The motion passed with a vote of 5 - 0 - 3.

 Yeas - 5
 Nays - 0
 Absent - 3

 Sen. N. Blouin
 Sen. K. Cullimore

 Sen. C. Bramble
 Sen. D. Ipson

Sen. C. Bramble
Sen. D. Ipson
Sen. K. Kwan
Sen. D. McCay
Sen. D. McCay

Sen. S. Sandall

Chair Bramble adjourned the meeting at 9:27 a.m.