

**MINUTES OF THE SENATE BUSINESS & LABOR STANDING COMMITTEE
MONDAY, MARCH 2, 2009
ROOM 215, SENATE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. John Valentine, Chair
Sen. Gene Davis
Sen. Dan Liljenquist
Sen. Karen Mayne
Sen. Wayne Niederhauser
Sen. Steve Urquhart
Sen. Kevin VanTassell

Staff Present: Phil Dean, Policy Analyst
Allison Volk, Committee Secretary

Public Speakers Present: Jim Olsen, President, Utah Retail Merchants Association
Doug Foxley, Utah Association of Financial Services and Lifetime Settlements Institute
Richard Ellis, State Treasurer
Shelly Cordon, American Express
Mike Ostermiller, Utah Association of Realtors
Sam Sauter
Art Brown, MADD
Todd Thacker, Prudential
Betsy Jerome, Senior Life Analyst, Utah Insurance Department
Mike Stevens, NAFA
Tracy Talbot, Attorney General's Office
Mark Steinagel, Director, Division of Real Estate

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Valentine called the meeting to order at 4:20 p.m.

Approval of Minutes

MOTION: Sen. VanTassell moved that the minutes of February 27th, 2009 be approved.

The motion passed unanimously, with Sens. Urquhart, Davis and Mayne absent at the time of the vote.

1. **SB0270 Gift Card Amendments**

MOTION: Sen. Niederhauser moved to adopt 1st Substitute SB0270.

The motion passed unanimously, with Sens. Urquhart, Davis and Mayne absent at the time of the vote.

Sen. Niederhauser introduced and explained SB0270.

MOTION: Sen. Niederhauser moved to amend SB0270 as follows:

1. *Page 7, Lines 199 through 201:*

- 199 (b) a gift card that:
200 (i) has attached to ~~{it}~~ more than \$25 ~~{when purchased}~~ ; and
201 (ii) is not excluded from this chapter under Subsection (5); or

2. *Page 8, Lines 214 through 215:*

- 214 (b) ~~[the records of the issuer]~~ do not show the address of the purchaser or recipient,
 but
215 do show that the gift certificate ~~{, gift card,}~~ or credit memo was issued in Utah;

3. *Page 8, Lines 224 through 228:*

- 224 (5) This chapter does not apply to a gift card if the monies attached to the gift card:
225 (a) do not expire; and
226 (b) are not subject to a ~~{post-sale}~~ monthly post sale ;
227 (i) ~~{monthly}~~ maintenance fee or charge; or
228 (ii) dormancy fee or charge.

The motion to amend passed unanimously with Sens. Urquhart, Davis, and Mayne absent for the vote.

Jim Olsen, Doug Foxley, and Shelly Cordon spoke in favor of SB0270.

Richard Ellis spoke to the bill.

Sen. Valentine relinquished the Chair to Sen. Urquhart.

MOTION: Sen. Liljenquist moved to pass 1st Substitute SB0270 out of committee with a favorable recommendation.

The motion passed unanimously, with Sens. Valentine, Davis and Mayne absent at the time of the vote.

2. **SB0166 Alcoholic Beverage Control Act - Days of Sale**

Sen. McCoy introduced and presented SB0166.

MOTION: Sen. Mayne moved to pass SB0166 out of committee with a favorable recommendation.

The motion passed unanimously, with Sens. Valentine and Davis absent at the time of the vote.

3. **SB0230 Construction Payment Amendments**

Sen. Bramble introduced and explained SB0230.

MOTION: Sen. VanTassell moved to pass SB0230 out committee with a favorable recommendation.

The motion passed unanimously.

Sen. Valentine assumed the Chair.

4. **SB0267 Landlord Disclosure Requirements**

Sen. Romero introduced and explained SB0267.

Mike Ostermiller and Sam Sauter spoke to SB0267.

MOTION: Sen. Urquhart made a motion to move to the next item on the agenda.

SUBSTITUTE MOTION: Sen. Davis moved to pass SB0267 out of committee with a favorable recommendation.

The substitute motion failed 2-5, with Sens. Davis and Mayne voting aye.

The original motion passed unanimously.

Sen. Valentine relinquished the Chair to Sen. Urquhart.

5. **HB0325S01 Alcoholic Beverage Related Amendments**

Rep. Dunnigan introduced and explained HB0325S01.

Art Brown spoke in favor of HB0325S01.

MOTION: Sen. Davis moved to pass HB0325S01 out of committee with a favorable recommendation.

The motion passed unanimously, with Sens. Valentine and Niederhauser absent at the time of the vote.

6. **HB0170 Insurance and Life Settlement Amendments**

Rep. Dunnigan introduced and presented HB0170.

Todd Thacker, Doug Foxley, and Mike Stevens spoke in favor of HB0170.

Betsy Jerome spoke to HB0170.

MOTION: Sen. Davis moved to amend HB0170 as follows:

1. *Page 10, Lines 296 through 304h*
House Floor Amendments
2-25-2009:

- 296 ~~(d)~~ (iv) ~~H→~~ [a ~~viatical~~] life settlement provider, a ~~viatical~~ life settlement
 purchaser, a
297 ~~financing entity~~, a ~~related provider trust~~, or a ~~special purpose entity from executing~~ the
 execution;
- 297a (A) of ~~H~~ any of the
298 following with respect to the death benefit or ownership of any portion of a ~~viaticated~~
 settled
299 policy as provided for in Section 31A-36-109:
- 300 ~~(i)~~ ~~H→~~ [~~A~~] (I) ~~H~~ an assignment;
301 ~~(ii)~~ ~~H→~~ [~~B~~] (II) ~~H~~ a sale;
302 ~~(iii)~~ ~~H→~~ [~~C~~] (III) ~~H~~ a transfer;
303 ~~(iv)~~ ~~H→~~ [~~D~~] (IV) ~~H~~ a devise; or
304 ~~(v)~~ ~~H→~~ [~~E~~] (V) ~~H~~ a bequest ~~H→~~ [-] ; and
- 304a (B) by any of the following:
304b (I) a life settlement provider;
304c (II) a life settlement purchaser;
304d (III) a financing entity;
304e (IV) a related provider trust;
304f (V) a special purpose entity; {or}
304g (VI) a qualified institutional buyer as defined in Rule 144A, 17 C.F.R.

304h Sec. 230.144A {-} ; or
(VII) an accredited investor as defined in Regulation D, Rule 501, 17 C.F.R. Sec.
230.501. ←H

The motion passed unanimously, with Sen. Valentine absent at the time of the vote.

MOTION: Sen. VanTassell moved to pass HB0170 as amended out of committee with a favorable recommendation.

The motion passed unanimously, with Sen. Valentine absent at the time of the vote.

7. **HB0072 Children's Justice Center Amendments**

Rep. Fowle introduced and presented HB0072.

Tracy Talbot spoke to HB0072.

Sen. Valentine assumed the Chair.

MOTION: Sen. VanTassell moved to pass HB0072 out of committee with a favorable recommendation.

The motion passed unanimously .

MOTION: Sen. Davis moved to place HB0072 on the consent calendar.

The motion passed unanimously.

8. **HB0152 Appraisal Management Company Regulation**

Rep. Morley introduced and explained HB0152.

Mark Steinagel spoke to HB0152.

MOTION: Sen. Niederhauser moved to amend HB0152 as follows:

1. *Page 14, Line 423 through Page 15, Line 434:*

423 (1) An appraisal management company required to be registered under this chapter,
or a
424 controlling person, employee, or agent of the appraisal management company may not
425 influence or attempt to influence the development, reporting, or review of an appraisal
through:

- 426 (a) coercion;
- 427 (b) extortion;
- 428 (c) collusion;
- 429 (d) compensation;
- 430 (e) instruction;
- 431 (f) inducement;
- 432 (g) intimidation;
- 433 (h) bribery; or
- 434 (i) any other manner **that would constitute undue influence** .

The motion passed unanimously with Sen. Urquhart absent at the time of the vote.

MOTION: Sen. Niederhauser moved to pass HB0152 as amended out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Davis moved to adjourn.

The motion passed unanimously with Sen. Urquhart absent at the time of the vote.

Chair Valentine adjourned the meeting at 6:00 p.m.

Minutes were reported by Allison Volk, Committee Secretary.

Sen. John Valentine, Committee Chair