

**MINUTES OF THE SENATE BUSINESS & LABOR  
STANDING COMMITTEE  
MONDAY, FEBRUARY 23, 2004, 4:00 P.M.  
ROOM 403, STATE CAPITOL BUILDING**

Members Present: Sen. Parley G. Hellewell, Chair  
Sen. Curtis Bramble  
Sen. Dan Eastman  
Sen. Thomas V. Hatch  
Sen. Ed Mayne  
Sen. Carlene M. Walker

Members Excused: Sen. Gene Davis  
Sen. Michael Waddoups

Staff Present: Mark Steinagel, Policy Analyst  
Karen Allred, Committee Secretary

Public Speakers Present: Lauren Scholnick, attorney  
Doug Griffith, attorney  
Phillip Walter, bonding agency  
John Young, Utah Subcontractors Council  
Jason Von Weller, Utah League of Cities and Towns  
Representative Stephen Clark  
Jack Bertleson, International Code Council

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

Committee Chair Hellewell called the meeting to order at 4:25 p.m.

**MOTION:** Sen. Eastman moved to approve the minutes of February 20, 2004.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**1. H.B. 59 Lien for Homeowner Association Charges (S. Mascaro)**

Rep. Mascaro explained the bill.

**MOTION:** Sen. Walker moved to amend the bill as follows:

1. Page 1, Line 20:

20            ~~[[None]]~~    **This bill provides a coordination clause.**

2. Page 3, Line 74

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- 74           (ii) a mailing address of the homeowner association.
- =           Section 4. Coordinating S.B. 129 with H.B. 59.
- If this H.B. 59 and S.B. 129, Community Associations, both pass, it is the intent of  
the Legislature that the Office of Legislative Research and General Counsel in preparing  
the Utah Code database for publication, shall coordinate the enactment of H.B. 59 with  
S.B. 129 so that:
- (1) Sections 57-24-1, 57-24-2, and 57-24-3 from H.B. 59 will not be enacted; and  
(2) Section 57-8a-203, enacted in S.B. 129, shall be modified so that:
- (a) Subsection 57-8a-203(1)(b)(ii) shall be deleted and replaced with the following:  
"(i) encumbrances on the interest of the lot owner recorded prior to the date of the  
recording of notice of lien described in Subsection (1)(b)."; and
- (b) Subsection 57-24-3(3), enacted in H.B. 59, shall be renumbered as Subsection  
57-8a-203(5) in S.B. 129 and modified as follows:
- "(5) A lien described in this section is valid only if:
- (a) the association maintains current records for its officers, directors, and trustees  
with the Division of Corporations and Commercial Code; and
- (b) the recording of notice of lien contains:
- (i) a day time telephone number of the association; and  
(ii) a mailing address of the association."

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**MOTION:** Sen. Walker moved to pass the bill out favorably as amended.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

2. **H.B. 213 Changes to Investment Advisory Committee** (D. Clark)

Rep. Clark explained the bill.

**MOTION:** Senator Eastman moved to pass the bill out favorably.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**MOTION:** Sen. Eastman moved that the bill be placed on the Consent Calendar.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**3. H.B. 238 Workers' Compensation Access to Medical Records (J. Alexander)**

Rep. Alexander explained the bill.

**MOTION:** Sen. Mayne moved to pass the bill out favorably.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**4. S.B. 239 Unfair Competition Act (M. Dmitrich)**

Sen. Dmitrich explained the bill.

**MOTION:** Sen. Eastman moved to adopt 2<sup>nd</sup> Sub. S.B. 239.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**MOTION:** Sen. Walker moved to amend the bill as follows:

1. *Page 2, Line 31:*

31 (b) leads to a material diminution in value of ~~[[intangible]]~~ intellectual  
property.

2. *Page 2, Line 34:*

34 value of ~~[[intangible]]~~ intellectual property that is less than or equal to \$20,000;  
or

3. *Page 2, Line 36:*

36 value of ~~[[intangible]]~~ intellectual property that is greater than \$20,000.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

Lauren Scholnick, attorney, spoke in support of the bill.

**MOTION:** Sen. Mayne moved to pass the bill out favorably as substituted and amended.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**MOTION :** Sen. Walker moved that the bill be considered read for the first time.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**5. H.B. 219 Construction Bond Amendments (M. Morley)**

Rep. Morley explained the bill.

Doug Griffith, attorney, spoke in opposition to the bill.

**MOTION:** Sen. Walker moved to amend the bill as follows:

1. *Page 2, Lines 37 through 37a*

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37 (iii) an improvement upon land ~~â~~ **THAT IS NOT ASSOCIATED WITH A**  
**SINGLE FAMILY**

37a **DETACHED HOUSING** ~~[[-OR A RESIDENTIAL SUBDIVISION-]]~~ ~~â~~ .

2. *Page 2, Lines 47 through 50a*

*House Floor Amendments*

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47 (d) (i) "Residential construction" means the construction, alteration, or repair of:

48 (A) single family detached housing; or

49 (B) multifamily attached housing up to and including a ~~â~~ ~~[[+]]~~ **duplex** ~~[[+]]~~  
~~[[-FOURPLEX-]]~~ ~~â~~ .

50 (ii) "Residential construction" includes rental housing ~~â~~ ~~[[-AND RESIDENTIAL~~  
50a **SUBDIVISIONS-]]** ~~â~~ .

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

Phillip Walter, bonding agent, and John Young, Utah Subcontractors Council, spoke in support of the bill.

**MOTION:** Sen. Walker moved to pass the bill out favorably as amended..

The motion passed unanimously with Sens. Bamble and Hatch absent for the vote.

**6. 1st Sub. H.B. 215 Building Standards Amendments (J.S. Adams)**

Rep. Adams explained the bill.

Jason Von Weller, Utah League of Cities and Towns and Jack Bertleson, International Code Council, spoke in support of the bill.

Rep. Stephen Clark answered questions concerning the bill.

**MOTION:** Sen. Eastman moved to pass the bill out favorably.

The motion passed unanimously with Sens. Bramble and Hatch absent for the vote.

**7. 1st Sub. H.B. 182 Construction Lien Amendments (S. Clark)**

Rep. Clark explained the bill.

Doug Griffith, attorney, spoke in opposition to the bill.

**MOTION:** Sen. Bramble moved to pass the bill out favorably.

The motion passed unanimously.

**MOTION:** Sen. Bramble moved to adjourn.

The motion passed unanimously.

Chair Hellewell adjourned the meeting at 5:45 p.m.

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