

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE**

Room 450, State Capitol, Utah State Capitol Complex
February 23, 2011

Members Present: Rep. Jim Dunnigan, Chair
Rep. Dixon Pitcher, Vice Chair
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Derek Brown
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Francis Gibson
Rep. Don Ipson
Rep. Todd Kiser
Rep. Brad Last
Rep. Michael Morley
Rep. Curt Webb
Rep. Larry Wiley

Staff Present: Bryant Howe, Assistant Director
Rosemary Young, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes.

Rep. Pitcher called the meeting to order at 4:26 p.m.

MOTION: Rep. Froerer moved to approve the minutes of the February 14 and February 18, 2011 meetings. The motion passed unanimously with Rep. Biskupski, Rep. Duckworth, Rep. Gibson, Rep. Ipson, Rep. Kiser, and Rep. Morley absent for the vote.

H.B. 104 Homeowner Association Amendments (Rep. R. C. Webb)

MOTION: Rep. Webb moved to amend H.B. 104 as follows:

1. Page 2, Lines 38 through 42:

- 38 Section 1. Section **57-8-6.3** is enacted to read:
39 57-8-6.3. Fee for providing information needed at closing.
40 (1) Unless specifically authorized in the declaration, an association of unit owners
may
41 not charge a fee for providing association **payoff** information needed in connection
with the closing of
42 a unit owner's sale of the owner's unit.

2. Page 3, Lines 61 through 65:

- 61 (a) the name and address of the association of unit owners;
62 (b) the name, address, telephone number, and, if applicable, email address of the
63 president of the association of unit owners;
64 {(c) the number of condominium units within the association of unit
owners;} and
65 {(d)} (c) contact information for the management committee.

3. Page 7, Lines 207 through 211:

- 207 (a) the name and address of the association;
208 (b) the name, address, telephone number, and, if applicable, email address of the
chair
209 of the association board;
210 {(c) the number of lots within the association;} and
211 {(d)} (c) contact information for the manager.

4. Page 8, Lines 223 through 225:

- 223 (1) Unless specifically authorized in the declaration of covenants, conditions, and
224 restrictions, an association may not charge a fee for providing association
payoff information needed
225 in connection with the closing of a lot owner's sale of the owner's lot.

The motion passed unanimously with Rep. Biskupski, Rep. Ipson, and Rep. Morley absent for the vote.

Rep. Webb explained the bill to the committee. Richard Maughan, Davis County Recorder spoke in favor of the bill.

MOTION: Rep. Last moved to transmit H.B. 104 with a favorable recommendation. The motion passed unanimously with Rep. Bird, Rep. Ipson, and Rep. Morley absent for the vote.

H.B. 326 Trust Deed Foreclosure Changes (Rep. L. Christensen)

MOTION: Rep. Brown moved to replace H.B. 326 with 1st Substitute H.B. 326. The motion passed unanimously with Rep. Biskupski, Rep. Ipson, Rep. Kiser, Rep. Last, and Rep.

Morley absent for the vote.

Rep. Christensen explained the bill to the committee. Abraham Bates, Wasatch Advocates, and Jeremy Roberts, citizen, spoke in favor of the bill. George Sutton, Utah Bankers Association, spoke against the bill. David Banks and Michael Morris, Zions Bank, spoke to the bill.

MOTION: Rep. Ipson moved to hold the bill. The motion passed with Rep. Wiley voting in opposition and Rep. Gibson absent for the vote.

S.B. 87 Marketable Record Title Amendments (*Sen. S. Reid*) (Rep. R. Wilcox**)**

MOTION: Rep. Dunnigan moved to amend S.B. 87 as follows:

1. *Page 2, Lines 32 through 38:*

- 32 (1) [~~any~~] ~~bar a~~ lessor or [~~his~~] ~~the lessor's~~ successor as a reversioner of [~~his~~] ~~the~~ right
to
33 possession on the expiration of any lease; [~~or~~]
34 (2) extinguish any right, title, or interest {~~, including an easement or interest in~~
~~the nature~~
35 ~~of an easement~~} created or held for any pipeline, highway, railroad, or public utility
purpose[~~, or~~
36 any];
37 (3) extinguish an easement or interest in the nature of an easement, the existence of
38 which is clearly observable by physical evidence of its use; [~~or~~]

The motion passed unanimously with Rep. Duckworth and Rep. Gibson absent for the vote.

Sen. Reid explained the bill to the committee assisted by Gary Williams, Ogden City Attorney, and Paul Newton, Utah Land Title Association.

MOTION: Rep. Dunnigan moved to transmit S.B. 87 with a favorable recommendation. The motion passed unanimously with Rep. Duckworth and Rep. Gibson absent for the vote.

H.B. 414 Collection Fee Amendments (*Rep. B. King*)

MOTION: Rep. Froerer moved to amend H.B. 414 as follows:

1. *Page 2, Lines 52 through 57:*

- 52 (a) the actual amount a creditor is required to pay a third party debt collection agency

53 or licensed attorney, regardless of whether that amount is a specific dollar amount or a
54 percentage of the principal amount owed to the creditor for a debt; or
55 (b) [~~40%~~] {~~20%~~} 30% of the principal amount owed to the creditor for a
debt.
56 (4) An obligation to pay a collection fee imposed under this section is in addition to
57 any obligation to pay attorney fees that may otherwise exist.

The motion passed with Rep. Gibson, Rep. Webb, and Rep. Dunnigan voting in opposition and Rep. Wiley absent for the vote.

Rep. King explained the bill to the committee. The following individuals spoke against the bill:

Dave Saxton	North American Recovery
David Gillies	Consulmed, LLC
Candace Daley	Utah Association of Collectors National Federation of Independent Business
Gary Thorup	Utah Petroleum Marketers

MOTION: Rep. Webb moved to transmit H.B. 414 with a favorable recommendation. The motion passed with Rep. Bird, Rep. Gibson, Rep. Ipson, Rep. Last, Rep. Morley, and Rep. Dunnigan voting in opposition and Rep. Wiley absent for the vote.

H.B. 351 Homeless Coordinating Committee Modifications (Rep. V. Peterson)

Rep. Peterson explained the bill to the committee.

MOTION: Rep. Ipson moved to transmit H.B. 351 with a favorable recommendation. The motion passed unanimously with Rep. Webb and Rep. Wiley absent for the vote.

MOTION: Rep. Kiser moved to place H.B. 351 on the Consent Calendar. The motion passed unanimously with Rep. Webb and Rep. Wiley absent for the vote.

MOTION: Rep. Kiser moved to adjourn. The motion passed unanimously with Rep. Webb and Rep. Wiley absent for the vote.

Rep. Pitcher adjourned the meeting at 6:26.